

EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:
EMPLOYEE

-appellant

CASE NO.
UD767/2010

against the recommendation of the Rights Commissioner in the case of:

EMPLOYER *-respondent*

under

UNFAIR DISMISSALS ACTS, 1977 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr N. Russell

Members: Mr J. Hennessy
Mr F. Dorgan

heard this appeal at Waterford on 27th October 2011

Representation:

Appellant: David Burke & Company, Solicitors, 24 Mary Street,
Dungarvan, Co Waterford

Respondent: Mr. John Farrell, IBEC, Confederation House, Waterford Business Park,
Cork Road, Waterford

This case came before the Tribunal by way of an employee appeal of the Rights Commissioner Recommendation ref: r-082856-ud-09-TB.

Determination

This matter came before the Tribunal on an Appeal from the recommendation of the Rights Commissioners dated 8th of December 2009. The Solicitor on record for the claimant, who had also represented him before the Rights Commissioners, appeared before the Tribunal and sought an adjournment on the grounds of being unable to conduct his case on the day due to difficulties experienced by the claimant himself in attending.

Having considered the strenuous objection of the respondent's representative to the adjournment sought and the absence of a clear explanation as to the nature of the claimant's difficulties, the Tribunal, while appreciating the difficulties for the claimant's representative, refused the adjournment.

The respondent's representative applied to have the appeal 'struck out'. In circumstances where the claimant appeared before the Tribunal in the person of his solicitor on record, the Tribunal did not accede to the application. The appeal of the Rights Commissioner Recommendation ref: r-082856-ud-09-TB under the Unfair Dismissals Acts 1977 to 2007 is dismissed.

Sealed with the Seal of the
Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)