

**EMPLOYMENT APPEALS TRIBUNAL**

**COMPLAINT OF:**  
EMPLOYEE

- *Complainant*

**CASE NO.**  
I5/2011

against the decision of  
EMPLOYER

- *Respondent*

under

**PROTECTION OF EMPLOYEES (EMPLOYERS' INSOLVENCY) ACTS, 1984 TO  
2004**

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Mr. P. O'Leary B L

Members: Mr D. Moore  
Mr F. Barry

heard this complaint at Dublin on 26th March 2012

**Representation:**

Complainant: In Person

Respondent:

The declaration of the Tribunal was as follows:-

Upon the administration of the Company the complainant claimed arrears of unpaid wages and arrears of outstanding holiday pay from the Insolvency Fund.

Section 6 (6) of the Protection of Employees (Employers' Insolvency) Act, 1984, states that the Minister for Social Protection shall not make any payment under this section in respect of any debt until he has received a statement in prescribed form from the relevant officer of the amount of that debt which appears to have been owed to the employee on the relevant date and which appears to remain unpaid.

On behalf of the Minister, the Department of Social Protection refused the claim of the complainant on the grounds that the administrator of the company, from the company records, had not been able to certify the claims as correct on the requisite form.

The complainant lodged a complaint under section 9(1)(a) of the Protection of Employees

(Employers' Insolvency) Acts, 1984 to 2001 in order to pursue her claim for arrears of outstanding holiday pay and unpaid wages.

**Determination**

Having considered the submissions of the complainant the Tribunal is satisfied that the complainant is entitled to payments from the Insolvency Fund under the Protection of Employees (Employers' Insolvency) Acts, 1984 to 2004.

The Tribunal awards the claimant €681.45 as payment in respect of unpaid wages and €372.36 in respect of outstanding holiday pay due.

These awards are made subject to the complainant having been in insurable employment under the Social Welfare Acts during the relevant period.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

(Sgd.) \_\_\_\_\_  
(CHAIRMAN)