

## EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:

CASE NO.

UD2287/2010

**- Appellant (Employer)**

against the recommendation of the Rights Commissioner **R-090838-UD-10/RG**  
in the case of

**- Respondent (Employee)**

under

### UNFAIR DISMISSALS ACTS, 1977 TO 2007

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Mr T. Taaffe

Members: Ms J. Winters  
Mr J. Flannery

heard this appeal at Dublin on 5 April 2012

Representation:

Appellant:  
Human Resource Manager of the appellant

Respondent:  
No appearance by or representation on behalf of the respondent

The determination of the Tribunal was as follows: -

This case came before the Tribunal as a result of an appeal by the employer (the appellant) against a recommendation of the Rights Commissioner under the Unfair Dismissals Acts **R-090838-UD-10/RG** in the case of an employee (the respondent).

### **Determination**

The employee was dismissed following an accusation of gross misconduct. At the Rights Commissioner the employee's claim to have been unfairly dismissed was found to be not well founded and the employer did not seek to appeal that part of the recommendation. The employer sought to appeal that part of the recommendation whereby the employee was awarded

compensation for delay in hearing the employee's appeal against the decision to dismiss him. Being satisfied that the employee was properly on notice of this appeal hearing the Tribunal finds, based on the uncontroverted evidence, that there was no entitlement to compensation. Accordingly, the claim under the Unfair Dismissals Acts, 1977 to 2007 must fail and the recommendation of the Rights Commissioner to award compensation is upset.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

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