

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:

EMPLOYEE (*appellant*)

CASE NO.
PW116/2011
TE99/2011

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

EMPLOYER (*respondent*)

under

PAYMENT OF WAGES ACT, 1991
TERMS OF EMPLOYMENT (INFORMATION) ACT, 1994 AND 2001

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr D. Hayes

Members: Mr G. Andrews
Mr P. Trehy

heard this appeal at Dublin on 4th January 2012

Representation:

Appellant(s) :

Anderson & Gallagher, Solicitors, 29 Westmoreland Street,
Dublin 2

Respondent(s) :

Damar Consultancy Limited, Shamwari, 4 Redhills Park,
Ellistown, Co Kildare

The decision of the Tribunal was as follows:

The Parties came before the Tribunal on an employee appeal from a decision of the Rights Commissioners dated 7th January, 2011 (r-093854-pw-10/JT and r-093849-te-10/JT).

Background

This case was heard in conjunction with UD1670/2010 and the evidence heard by the Tribunal is noted therein.

Determination

The Rights Commissioner had issued a recommendation dismissing the claim for want of prosecution, the Claimant having failed to turn up on the appointed hearing date. In his Form T1B, the claimant said that he had not been on notice of the date of hearing.

For reason set out in the Tribunal's determination with the reference UD1670/2010, which was another claim between these parties, the Tribunal is satisfied that the claimant's employment came to an end on 29th May 2009. His claim was not submitted to the Rights Commissioner until in excess of 12 months after that date. The Tribunal is satisfied that these claims were submitted after the expiry of the period permitted by Statute in each case.

Accordingly, the Tribunal upholds the recommendation of the Rights Commissioner, substituting this reason for the reason given in his recommendation.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)