

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:
EMPLOYEE - *appellant*

CASE NO.
PW10/2011

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

EMPLOYER - *respondent*

under

PAYMENT OF WAGES ACT, 1991

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms P. McGrath B.L.

Members: Mr. T. O'Sullivan
Mr O. Nulty

heard this appeal at Mullingar on 2nd July 2012

Representation:

Appellant(s) : Mr. Blair Horan, 11 Marley Avenue, Rathfarnham, Dublin 16

Respondent(s) : Ms. Siobhan McGowan, Purdy Fitzgerald, Solicitors,
Kiltartan House, Forster Street, Galway

Determination

This case came before the Tribunal by way of an appeal by the employee against the decision of the Rights Commissioner (r-092667-pw-10/JW) under the Payments of Wages Act 1991.

The Tribunal has carefully considered the evidence adduced. The Tribunal was asked to deal with a preliminary issue in relation to the lodging of a complaint under the Payment of Wages Act outside of the 6 month period allowed by section 6 (4) of the Act. The Tribunal was asked to extend the time by reason of the exceptional circumstances offered in evidence by the appellant, which the Tribunal is entitled to do where the circumstances justify.

The Tribunal cannot find that exceptional circumstances existed such that prevented the appellant from bringing the complaint within the appropriate time. The appellant had every opportunity to equip himself with the tools and knowledge necessary to bring any and all

appropriate claims to the attention of the Labour Relations Commission. The Tribunal deals with many unrepresented parties on a daily basis who are able to bring the claims under the various Acts available to them. The Tribunal cannot accept that a person of the appellant's clear ability was not in a position to ensure that he had obtained and completed all forms and complaints required within the appropriate period.

The Tribunal affirms the finding of the Rights Commissioner.

Sealed with the Seal of the
Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

