

EMPLOYMENT APPEALS TRIBUNAL

CLAIM OF:
EMPLOYEE

-claimant

CASE NO.
UD122/2012

for implementation of the recommendation of the Rights Commissioner
in the case of:

EMPLOYEE

-claimant

-v-

EMPLOYER

-respondent

under

UNFAIR DISMISSALS ACTS, 1977 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms K. T. O'Mahony B.L.

Members: Mr. P. Casey
Ms H. Kelleher

heard this appeal at Cork on 18th June 2012

Representation:

Claimant: Mr. Cathal Lombard, Eugene Carey & Co.,
Solicitors, Courthouse Chambers, Mallow, Co. Cork

Respondent: No appearance or representation

Background:

The case before the Tribunal is for implementation of the Recommendation of a Rights Commissioner under the Unfair Dismissals Act, 1977 to 2007 ref: r-096610-ud-10/DI.

Determination:

Section 7 (4) (a) of the Unfair Dismissals Act, 1977 to 2007:

“Where a recommendation of a rights commissioner in relation to a claim for redress under this Act has not been carried out by the employer concerned in accordance with its terms, the time for bringing an appeal against the recommendation has expired and no such appeal has been brought, the employee concerned may bring the claim before the Tribunal and the Tribunal shall, notwithstanding subsection (5) of this section, without hearing the employer concerned or any evidence (other than in relation to the matters aforesaid), make a determination to the like effect as the recommendation.”

The Tribunal being satisfied that the Recommendation of the Rights Commissioner has not been carried out, that no appeal had been lodged and that the time for lodging an appeal had expired makes a determination to the like effect as Rights Commissioner's Recommendation ref: r-096610-ud-10/DI that the respondent pay the appellant the sum of €5,000.00 under the Unfair Dismissals Acts, 1977 to 2007.

Sealed with the Seal of the
Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

