

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:

CASE NO.
PW110/2011

Employer

appellant

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

Employer

appellant

and

Employee

respondent

under

PAYMENT OF WAGES ACT, 1991

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms. M. Levey B.L.

Members: Ms J. Winters
Mr J. Flannery

heard this appeal at Dublin on 10th July 2012

Representation:

Appellant(s):

Respondent(s):

The decision of the Tribunal was as follows:-

This case came before the Employment Appeals Tribunal by way of an employer appealing against the decision of the Rights Commissioner dated 18th January 2011 reference r-095439-pw-10/JW.

Determination

At the outset of the hearing a preliminary issue was raised by Counsel for the appellant.

A Division of the Tribunal had previously held that the respondent's employment ended on the 17th December 2009 reference number RP1766/2010. The case was Res Judicata. The Tribunal

cannot look behind the previous decision made under the Redundancy Payments Acts 1967 to 2007 and therefore sets aside the decision of the Rights Commissioner. The appeal by the appellant under the Payment of Wages Act, 1991 succeeds.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____

(CHAIRMAN)

