

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:

CASE NO.
PW90/2011

EMPLOYEE *appellant*

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

EMPLOYEE *appellant*

and

EMPLOYER

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): Mr. Richard Grogan, Richard Grogan & Associates,
Solicitors, 16 & 17 College Green, Dublin 2

Respondent(s): Ms Aoife McGuinness, McDonough & Breen, Solicitors,
Distillery House, Distillery Lane, Dundalk, Co Louth

The decision of the Tribunal was as follows:-

This case came before the Tribunal by way of an employee 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 respondent.

A Division of the Tribunal had previously held that the appellant'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

under the Payment of Wages Act, 1991 fails.

Sealed with the Seal of the
Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

