

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:  
EMPLOYEE - *appellant*

CASE NO.  
PW51/2010

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: Mr J. Lucey  
Members: Mr D. Hegarty  
Mr D. McEvoy

heard this appeal at Cork on 3rd August 2012

Representation:

Appellant :Mr Daniel Snihur, Independent Workers Union, 55 North Main Street, Cork

Respondent: no appearance by or on behalf of the respondent

This case came before the Tribunal by way of an employee appealing against the decision of a Rights Commissioner under the Payment of Wages Act, 1991 ref: R-076748-PW-09-JOC

**Determination**

Section 7(2) of the Payment of Wages Act, 1991, provides:

*“An appeal under this section shall be initiated by a party by his giving, within 6 weeks of the date on which the decision to which it relates was communicated to him-*

*(a) a notice in writing to the Tribunal containing such particulars (if any) as may be specified in regulations under subsection (3) and stating the intention of the party concerned to appeal against the decision, and*

*(b) a copy of the notice to the other party concerned.”*

The decision of the Rights' Commissioner was signed on the 20 November 2009. The appealform T1-B was lodged with the Tribunal on 5 January 2010. The appellant was unable to provide any evidence to the Tribunal that a copy of the notice to appeal the RightsCommissioners decision was given to the other party within the six-week period

as required under the Act.

Accordingly, the Tribunal does not have jurisdiction to hear the appeal.

Sealed with the Seal of the  
Employment Appeals Tribunal

This \_\_\_\_\_

(Sgd.) \_\_\_\_\_  
(CHAIRMAN)