

EMPLOYMENT APPEALS TRIBUNAL

CLAIM OF:

CASE NO.

EMPLOYEE

UD196/2011
MN196/2011

WT51/2011

against

EMPLOYER

EMPLOYER

EMPLOYER

EMPLOYER

under

**MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2005
ORGANISATION OF WORKING TIME ACT, 1997
UNFAIR DISMISSALS ACTS, 1977 TO 2007**

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms. J. McGovern
Members: Mr. T. O'Sullivan
Mr. J. Flannery

heard this claim in Dublin on 3rd August 2012

Representation:

Claimant:

Respondent:

Background

The claimant's representative informed the Tribunal that a settlement had previously been agreed but that only 63% of the agreed amount had been paid. However, breach of contract proceedings had already been put in place and the claimant withdrew his claims under each of the above headings.

The respondent stated that the full amount of the agreement had been paid, 63% to the claimant and the rest to the Revenue Commissioners. In view of this and the fact that the claimant already had in place breach of contract proceedings the respondent applied for costs under section 19:2 of S.I. 24/1968 on the basis that the claims before the Tribunal were frivolous and vexatious.

Determination

The Tribunal notes that these claims have been withdrawn by the claimant. However, there was no reason why the claimant had to wait until the day of the hearing, at which time the respondent's witness had already travelled to the hearing venue. Therefore the Tribunal awards costs of €75.00 payable by the claimant to the respondent in accordance with Section 19:2 of Statutory Instrument 24/1968.

Sealed with the Seal of the
Employment Appeals Tribunal

This _____
(Sgd.) _____
(CHAIRMAN)