

EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:
EMPLOYEE

-appellant

CASE NO.
PW92/2011

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: Ms P. Clancy

Members: Mr. W. O'Carroll
Ms H. Murphy

heard this appeal at Ennis on 21st September 2012

Representation:

Appellant: In Person

Respondent: No appearance or representation on behalf of the respondent

This case came before the Tribunal by way of an employee appeal of the Rights Commissioner Decision **ref: r-093215-pw-10/r-093221-pw-10/r-093230-pw-10/r-093231/pw-10/r-093232-pw-10** under the Payment of Wages Act, 1991.

Determination

A number of claimant's lodged complaints against an individual as named in the Rights Commissioner Decision. This Person was not the correct employer but the owner of the limited company that should have been named as the correct employer; she was present at the Rights Commissioner Hearing. Instead of amending the proceedings to reflect the correct employer the Rights Commissioner decided that the claim was not well founded as the correct employer was not named.

The appellant appealed this decision and in his appeal named the correct employer. Unfortunately the Tribunal have no jurisdiction to hear the appeal as a different entity was named in the appeal than was named in the Rights Commissioner decision. Consequently the appeal of the Rights Commissioner Decision **ref: r-093215-pw-10/r-093221-pw-10/r-093230-pw-10/r-093231/pw-10/r-093232-pw-10** under the Payment of Wages Act, 1991 is dismissed.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)