

## EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:  
EMPLOYER  
*-appellant*

CASE NO.  
PW70/2011

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

EMPLOYEE  
*-respondent*

under

### PAYMENT OF WAGES ACT, 1991

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Ms. M. Levey B.L.

Members: Mr M. Carr  
Mr J. Flannery

heard this appeal at Trim on 28th September 2012

#### **Representation:**

Appellant: Mr. Patrick Carrol B.L. instructed by  
Eirinn McKiernan & Co, Solicitors, 11 Ashe Street, Cavan

Respondent: Ms Bonnie Hickey B.L. instructed by  
Thomas Quigley & Co, Solicitors, 302 Ballyfermot Road, Dublin 10

This case came before the Tribunal by way of an Employer Appeal of the Rights Commissioner Decision ref: **r-091095-pw-10/JC** under the Payment of Wages Act, 1991.

#### **Determination**

Section 7.2 (b) 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 appellant conceded that Section 7.2 (b) above has not been complied with and therefore the Tribunal has no alternative but to find that it does not have jurisdiction to hear the appeal under the Payment of Wages Act, 1991, against Rights Commissioner Decision **ref: r-091095-pw-10/JC**.

Sealed with the Seal of the  
Employment Appeals Tribunal

This \_\_\_\_\_

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