

## EMPLOYMENT APPEALS TRIBUNAL

CLAIM(S) OF:  
EMPLOYEE *-claimant*

CASE NO.  
UD1871/2011

for implementation of the recommendation of the Rights Commissioner  
in the case of:

EMPLOYER *-respondent*

under

### UNFAIR DISMISSALS ACTS, 1977 TO 2007

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Ms O. Madden B.L.

Members: Mr R. Murphy  
Mr F. Barry

heard this claim at Dublin on 15th November 2012

#### **Representation:**

Claimant: Ms. Mary Fay B.L. instructed by Walter Mee & Co, Solicitors,  
159 Upper Rathmines Road, Dublin 6

Respondent: No appearance or representation on behalf of the respondent.

#### **Background:**

This implementation came before the Tribunal by way of a Rights Commissioner recommendation, reference: r-099408-ud-10/GC.

The claimant confirmed that the sum of money awarded has not been paid to him by the respondent, nor has the above-mentioned recommendation been appealed.

#### **Determination:**

As Section 7 (4) (a) of the Unfair Dismissals Act, 1977 to 2007, states:

“Where a recommendation of a rights commissioner in relation to a claim for redress under this Act has not been carried out by the employer concerned in accordance with its terms, the time for bringing an appeal against the recommendation has expired and no such appeal has been brought, the employee concerned may bring the claim before the Tribunal and the Tribunal shall, notwithstanding subsection (5) of this section, without hearing the employer concerned or any evidence (other than in relation to the

matters aforesaid), make a determination to the like effect as the recommendation.”

The Tribunal is satisfied that the recommendation of the Rights Commissioner made under Section 7 of the Unfair Dismissals Acts, 1977 to 2007 has not been carried out by the employer and it is further satisfied that the prescribed time limit for bringing an appeal against the recommendation has expired and no such appeal has been brought

Accordingly the Tribunal orders that the Rights Commissioner’s Recommendation (reference: r-099408-ud-10/GC) to make an award of €4,000 to the claimant under the Unfair Dismissals Acts, 1977 to 2007 be implemented upon receipt of this determination.

Sealed with the Seal of the  
Employment Appeals Tribunal

This \_\_\_\_\_

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