

## EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:  
EMPLOYER - *appellant*

CASE NO.  
PW131/2012

against the decision 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: Mr J. Revington S.C.

Members: Mr D. Moore  
Mr M. O'Reilly

heard this appeal at Dublin on 8th July 2013

Representation:

Appellant(s) : McKeever Rowan, Solicitors, 5 Harbourmaster Place,  
I.F.S.C., Dublin 1

Respondent(s) : Mr Dermot Sheehan BL instructed by O'Hanrahan & Co, Solicitors,  
Lexington House, 71 Ballybough Road, Fairview, Dublin 3

This case came before the Tribunal by way of an employer (*appellant*) appealing against the decision of the Rights Commissioner under the Payment of Wages Act 1991 reference r-118322-pw-11/EH

### Determination

The appellant's representative made an application to have the case postponed on the day of the hearing as the appellant was unable to attend the hearing. The respondent's representative objected to the application and the Tribunal refused the application for the postponement.

As the appellant was not present on the day of the hearing the appeal fails for lack of prosecution and accordingly the Tribunal affirms the decision of the Rights Commissioner.

Sealed with the Seal of the  
Employment Appeals Tribunal

This \_\_\_\_\_

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