

THE EQUALITY TRIBUNAL

EMPLOYMENT EQUALITY ACTS 1998-2011

Decision DEC – E2014 – 008

PARTIES

Mr Evgenijs Lukjanoves (represented by McGuigan Solicitors)

and

Rocliffe Ltd

File References: EE/2011/703
Date of Issue: 13th February 2014

1. Claim

1.1. The case concerns a claim by Mr Evgenijs Lukjanoves that Roccliffe Ltd discriminated against him on the ground of disability contrary to Section 6(2)(g) of the Employment Equality Acts 1998 to 2011, in terms of dismissing him for discriminatory reasons.

1.2. The complainant referred a complaint under the Employment Equality Acts 1998 to 2011 to the Director of the Equality Tribunal on 7 October 2011. A submission was received from the complainant on 7 March 2012. No submission was received from the respondent. On 15 January 2014, in accordance with his powers under S. 75 of the Acts, the Director delegated the case to me, Stephen Bonnlander, an Equality Officer, for investigation, hearing and decision and for the exercise of other relevant functions of the Director under Part VII of the Acts. On this date my investigation commenced. As required by Section 79(1) of the Acts and as part of my investigation, I proceeded to hold a joint hearing of the case on 13 February 2014. I received notification from the complainant's solicitor during the afternoon of 12 February 2014 that their client would not be in attendance, without giving reasons as to why. An application was made that I should proceed to decide the matter on the papers on file, which I declined as the within complaint appeared to me to be unsuitable for proceeding with my investigation in this manner. On the morning of the hearing, the complainant was not in attendance, and neither was the respondent.

2. Decision

2.1. In the light of the foregoing, and in accordance with Section 79(6) of the Employment Equality Acts 1998 to 2011, I issue the following decision. As part of my investigation under Section 79 of the Act, I am obliged to hold a hearing. I find that Mr Lukjanoves's failure to attend such a hearing was unreasonable in the circumstances and that any obligation under Section 79 has ceased. As no evidence was given at the hearing in support of the

allegation of discrimination I conclude the investigation and find against the complainant.

Stephen Bonnlander
Equality Officer
13 February 2014