

EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:

CASE NO.

EMPLOYEE

PW126/2009

- appellant

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. McGrath

Members: Mr P. Pierce
Ms M. Finnerty

heard this appeal at Dublin on 26th March 2010

Representation:

Appellant :

Mr. Blazej Nowak, Polish Consultancy Enterprise, 19 Talbot
Street, Dublin 1

Respondent:

Mr Richard Murphy on behalf of the Liquidator

The decision of the Tribunal was as follows:-

This case came before the Tribunal by way of an appeal by the employee/appellant against the decision of a Rights Commissioner Ref: r-069643-pw-08/SR dated 30th March 2009

Appellant's case:

The appellant along with two friends worked up to 29th August 2008. They came in to work on Monday and the manager told them there was no more work. The P.45 showed the 14th August 2008 as date of termination of employment. The appellant rang the respondent and asked for proof of when he finished work, for Social Welfare purposes and he got no response. The last two weeks he worked for the company he received no wages and no payslip.

The appellant's representative stated that another employee had a Social Welfare document stamped by the respondent with a date of termination of 28th August 2008 and this same employee had a date of termination of 14th August 2008 shown on his P.45.

The Liquidator's representative had a copy of the last payslip dated 14th August 2008 however this did not show date of termination of employment. He also stated that there was a creditors meeting on 26th September 2008 and there was no payslip after 14th August 2008.

Determination:

The Tribunal is satisfied that based on the evidence the appellant is due payment of €1,583.40 which is the equivalent of two weeks wages under the Payment of Wages Act, 1991.

Please note that a weekly ceiling of €600 applies to all payments from the Social Insurance Fund

Please also note that this award is being made subject to the appellant having been in insurable employment under the Social Welfare Acts during the relevant period

No award is being made in respect of travel expenses under the Construction Industry REA.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

