

**EMPLOYMENT APPEALS TRIBUNAL**

CLAIM(S) OF:  
EMPLOYEE

CASE NO.  
UD2217/2010

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

EMPLOYER

under

**UNFAIR DISMISSALS ACTS, 1977 TO 2007**

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Mr. D. Hayes BL

Members: Mr. F. Moloney  
Mr. S. O'Donnell

heard this case in Navan on 12 January 2011

Representation:

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Claimant(s):

Ms. Fiona Conroy, Information Officer, Meath Citizens  
Information Service, 1 Cannon Row, Navan, Co. Meath

Respondent(s):

Mr. Michael Shanley, Oliver Shanley & Co., Solicitors,  
62/63 Academy Street, Navan, Co. Meath

The determination of the Tribunal was as follows:-

This case under the Unfair Dismissals Acts, 1977 to 2007, came to the Tribunal as an employee's appeal for implementation of Rights Commissioner Recommendation r-087872-ud-09/JT that the appellant employee be paid the sum of €35,000.00 in compensation for unfair dismissal.

When the employee attended the Tribunal hearing the employer's representative did not

intimate that the Rights Commissioner Recommendation had been appealed within the required period or that the recommended compensation had been paid.

**Determination:**

Section 7 (4) (a) of the Unfair Dismissals Act, 1993, 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 complaint 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 aforesaid matters), make a determination to the like effect as the recommendation.”

Given that there was no suggestion at the Tribunal hearing that the Rights Commissioner Recommendation had been appealed within the required period or that the recommended compensation had been paid, the Tribunal makes a determination to the like effect as Rights Commissioner Recommendation r-087872-ud-09/JT and orders that the respondent pay compensation in the amount of €35,000.00 to the appellant employee under the Unfair Dismissals Acts, 1977 to 2007.

It should be noted that the appellant employee’s gross weekly pay was given on his appeal form as €546.00 and that this was not disputed at the Tribunal hearing. Payments from state funds in the event of an employer being in liquidation or receivership are limited to a maximum of €600.00 per week.

An award from state funds may be subject to the employee having been in insurable employment under the Social Welfare Acts during the relevant period.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

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