

EMPLOYMENT APPEALS TRIBUNAL

CLAIM OF:
EMPLOYEE

CASE NO.
UD1761/2010

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: Ms. K. T. O' Mahony B.L.

Members: Mr. P. Casey
Mr D. McEvoy

heard this claim at Tralee on 29th June 2011

Representation:

Claimant : Mr. Philip Comyn, O'Connor, Dudley & Comyn, Solicitors,
Westend, Mallow, Co Cork

Respondent : Ms Faye Revington B L
Law Library, Four Courts, Dublin 7

The determination of the Tribunal was as follows:

Section 8 (4) (a) of the Unfair Dismissals Acts, 1977 as amended by section 7 of the 1993 Act provides:

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 the 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, being satisfied that the former employer has neither discharged its liability to the claimant under the Recommendation of the Rights Commissioner nor lodged an appeal the Rights

Commissioner's Recommendation in accordance with the provisions of section 9 (2) of the Unfair Dismissals Act 1977 as amended, orders that this recommendation be implemented in full.

This Order may be read in conjunction with UD511/2011

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

