

## EMPLOYMENT APPEALS TRIBUNAL

CLAIM OF:

CASE NO.

EMPLOYEE

UD2407/2010  
MN2347/2010

against  
EMPLOYER

under

### MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2005 UNFAIR DISMISSALS ACTS, 1977 TO 2007

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Mr. C. Corcoran B.L.  
Members: Ms. A. Gaule  
Mr. J. Flannery

heard this claim at Dublin on 19th April 2012

Representation:

Claimant:

Ken Smyth & Co, Solicitors,  
Suite One, Merrion House, 1-3 Lower Fitzwilliam Street, Dublin 2

Respondent:

Mr William Walsh, Merchants House, 27-30 Merchants Quay, Dublin 8

### **Background**

There was no appearance by the claimant at the hearing. The representative for the claimant submitted a copy of an e-mail he had received from his client, dated 18<sup>th</sup> April 2012 and stated that he only had sight of this on the morning of the hearing. He then applied to have the hearing adjourned to a later date.

The representative for the respondent had no objection to the hearing being adjourned.

The Tribunal referred to the e-mail and enquired as to what the claimant meant by "I am trapped in Mauritania" and was told by the claimant's representative that the term was being used loosely and that the claimant was not ill or being held against his will.

The Tribunal allowed for a recess until 15:25 in order for the claimant's representative to attempt further communication with his client but he was unsuccessful in these attempts.

**Determination**

There was no appearance by the claimant and the Tribunal is satisfied that he was properly notified of the hearing. Given that he was notified by registered post on 9<sup>th</sup> March 2012, the claimant had ample opportunity to make arrangements to attend the hearing. Therefore this case is dismissed for want of prosecution.

Sealed with the Seal of the  
Employment Appeals Tribunal

This \_\_\_\_\_

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