

## EMPLOYMENT APPEALS TRIBUNAL

**CLAIM(S) OF:**  
Employee

**CASE NO.**  
UD269/2006

against  
2 Employers

under

### UNFAIR DISMISSALS ACTS, 1977 TO 2001

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Mr D. Hayes D.L.

Members: Mr. C. Ormond  
Mr. P. Woods

heard this claim at Dublin on 27th September 2006  
and 17th January 2007  
and 26th March 2007

#### **Representation:**

Claimant(s) : Mr. Tomas Broc O'Reilly, Kerlogue, Lisk, Dunlavin, Co. Wicklow

Respondent(s) : Not present or represented on any of the three dates listed above

The determination of the Tribunal was as follows:-

#### **Claimant's Case:**

The claimant gave evidence of loss only. Since being dismissed from the respondent company, the claimant has been in receipt of a disability allowance from the Department of Social and Family Affairs. Although, she stated that her doctor said that she would be fit to resume work.

#### **Determination:**

The claimant commenced her employment in September 1998. She was dismissed on 31<sup>st</sup> January 2006. Section 6(1) of the Unfair Dismissals Act, 1977 provides that "the dismissal of an employee shall be deemed ... to be an unfair dismissal unless, having regard to all the circumstances, there were substantial grounds justifying the dismissal." Due to the failure of the respondent to attend or berepresented at the hearing, no grounds, substantial or otherwise, were adduced to justify the dismissal. The Tribunal is therefore satisfied that the dismissal was unfair.

The Tribunal is satisfied that the respondent had been properly put on notice of the hearing but, as it had on two previous occasions, failed to attend.

The Claimant's normal weekly pay was €395.85. She has been claiming disability benefit since January 2005. She has, therefore, suffered no loss and is entitled to compensation in such circumstances of up to four weeks' pay. The Tribunal is satisfied that she should be paid

compensation in the amount of €1,583.40 and makes an award in this amount under the terms of the Unfair Dismissals Acts, 1977 to 2001.

Sealed with the Seal of the  
Employment Appeals Tribunal

This \_\_\_\_\_

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