

EMPLOYMENT APPEALS TRIBUNAL

CLAIM(S) OF:

Employee

CASE NO.

RP269/2006
UD534/2006

MN339/2006

WT166/2006

against
Employer

under

**MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2001
ORGANISATION OF WORKING TIME ACT, 1997
REDUNDANCY PAYMENTS ACTS, 1967 TO 2003
UNFAIR DISMISSALS ACTS, 1977 TO 2001**

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr. T. Halpin B. L.

Members: Mr P. Pierson
Mr P. McAleer

heard this claim at Cavan on 30th April 2007

Representation:

Claimant(s) : Garrett J. Fortune & Co., Solicitors, 11 Church View, (Off Church Street), Cavan

Respondent(s) : Not present or represented

The determination of the Tribunal was as follows:-

Claimant's Case:

The claimant gave evidence. He commenced employment with the respondent in mid November 2002 as a Manager.

While working on March 1st 2006 in Edgeworthstown, the claimant received a call from a colleague informing him that the boss, and owner of the respondent company, wanted to see him. Following a second call the claimant contacted the owner of the respondent company. It was agreed that they would meet in the Cavan premises that evening at 8 p.m. The owner asked how much work the claimant had and was told one more job. At the meeting the owner told the claimant that the company was "downsizing" and he was to wind up the company. The claimant was told that his job was terminated.

The claimant explained that when he commenced employment, he received a monthly wage of €1,600 rising to €2,354 after requesting a raise. He had no contract of employment and received no wage slips.

In respect of his claim for holiday pay he stated that he had only taken six days annual leave while working for the respondent plus time off at Christmas when the premises was closed. The business was very busy and the claimant often had to work long hours. He received no prior notice of his dismissal. He told the Tribunal that the premises had remained open and his position was replaced.

Determination:

Based on the uncontested evidence the Tribunal finds that the claimant was unfairly dismissed and awards him the sum of €21,186.00 under the Unfair Dismissals Acts, 1977 to 2001.

Loss being established, the Tribunal awards the sum of €1,177.00, this being two weeks wages, under the Minimum Notice and Terms of Employment Acts, 1973 to 2001.

The Tribunal awards the sum of €7,062.00, this being sixty days holidays, under the Organisation of Working Time, Act 1997.

The claim under the Redundancy Payments acts, 1967 to 2003 was dismissed.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)