

EMPLOYMENT APPEALS TRIBUNAL

CLAIM(S) OF:
Employee

CASE NO.
UD318/2007
MN213/2007

against

Employer

Under

**UNFAIR DISMISSALS ACTS, 1977 TO 2001
MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2001**

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms. E. Daly B.L.

Members: Mr. C. Ormond
Mr. F. Barry

heard this claim at Dublin on 10th July 2007

Representation:

Claimant(s) : Mr. David O'Riordan, Sherwin O'Riordan, Solicitors,
64 Waterloo Road, Ballsbridge, Dublin 4

Respondent(s) : Mr. Ronnie Neville, Mason Hayes & Curran, Solicitors,
South Bank House, Barrow Street, Dublin 4

The determination of the Tribunal was as follows:-

At the outset, the representatives for the claimant and respondent both informed the Tribunal that the respondent had conceded the fact that an Unfair Dismissal had taken place. The claimant and respondent agreed a figure of actual loss for the claimant between the two parties.

The Tribunal proceeded to hear evidence solely regarding the claim made under the Minimum Notice and Terms of Employment Acts, 1973 to 2001 by request from both parties.

The claimant's position was that she was called to a meeting on the evening of the 17th November 2006. The respondent gave her notice of termination and she asked for reasons. She was asked if she wanted to work her month's notice as per her contract and she declined.

The respondent declined to adduce evidence.

Determination:

At the outset, the claim made under the Unfair Dismissals Acts, 1977 to 2001, was conceded by the respondent and the matter has been finalised between the parties. Therefore, the Tribunal deem the claim made under the Unfair Dismissals Acts 1977 to 2001, withdrawn.

The Tribunal determine that the claimant was given notice of termination on the 17th November 2006 and was offered the opportunity to work her notice, which she declined. Therefore the Tribunal award the claimant her statutory notice of €596.30 (being one week's pay) under the Minimum Notice and Terms of Employment Acts, 1973 to 2001.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)