

EMPLOYMENT APPEALS TRIBUNAL

Claims Of:

Employee

Case No.

UD818/2006

MN539/2006

WT262/2006

against

2 Employers

under

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

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mrs. M. Quinlan

Members: Mr. C. Ormond
Ms. M. Maher

heard this claim at Dublin on 15th May 2007

Representation:

Claimant: In person

Respondent: No appearance or representation

The determination of the Tribunal was as follows:

The Tribunal is satisfied that the respondent was properly notified of this hearing. Neither the respondent nor a representative on its behalf appeared for the hearing.

Claimant's Case:

The claimant commenced employment with XXXX (hereafter referred to as XXXX) on the 4 June 2005 until the 30 June 2006. XXXX began to trade as XXXX (hereafter referred to as XXXX) after the 30 June 2006. The claimant continued to work with Response XXXX. He received his P-45 from XXXX. The claimant continued to work with Response XXXX until the 13 July 2006 but he did not receive any wages from Response XXXX.

The claimant normally received a two-week rota. He did not receive a rota on the 13 July 2006. He waited a number of days to receive this but he did not receive it. He telephoned XXXX but received no answer. He visited the premises of XXXX but the doorbell was unanswered. The

claimant heard nothing further from XXXX.

The claimant told the Tribunal that he queried his rate of pay with the respondent during the course of his employment but he did not receive a favourable response. He challenged the respondent through the Rights Commissioners under the Payment of Wages Act, 1991, and received a favourable decision. His rates of pay were adjusted accordingly.

The claimant established his loss for the Tribunal.

Determination:

In the uncontradicted evidence of the claimant, there being no appearance by the respondent companies, the Tribunal award the claimant the amount of €9,531.20 as compensation for his successful claim under the Unfair Dismissals Acts, 1977 to 2001.

The Tribunal award the claimant €476.56 (being the equivalent of one week's wages) under the Minimum Notice and Terms of Employment Acts, 1973 to 2001.

The Tribunal award the claimant €1,906.24 (being four weeks' pay) under the Organisation of Working Time Act, 1997.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)