

**Correcting Order**

**EMPLOYMENT APPEALS TRIBUNAL**

**CLAIM(S) OF:**

Employee

**CASE NO.**

MN1005/2005

WT464/2005

RP609/2005

UD1350/2005

against  
2 Employers

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: Mrs. M. Quinlan

Members: Mr M. Murphy  
Mr B. Byrne

heard this claim at Dublin on 26th June 2006

**Representation:**

Claimant(s): Mr. Ed Kenny, Branch Secretary, Siptu, Security Services Branch, Liberty Hall, Dublin 1

Respondent(s): No representation or appearance by or on behalf of the respondent

The determination of the Tribunal was as follows:-

This Order corrects the original Order dated 23<sup>rd</sup> August 2003 and should be read in conjunction with that Order. The order was in fact signed on 23<sup>rd</sup> August 2006.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

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

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Claimant(s): Mr. Ed Kenny, Branch Secretary, Siptu, Security Services  
Branch, Liberty Hall, Dublin 1

Respondent(s): No representation or appearance by or on behalf of the respondent

The determination of the Tribunal was as follows:-

**Claimant's Case**

The claimant told the Tribunal that he was employed by the respondent company for two and a half years. On the 26<sup>th</sup> October 2005 Mr. C from the respondent company visited his house and gave him an envelope containing €7,300. The claimant was asked to sign the document before accepting the cheque, which he did. The claimant was informed that the site where he worked was closing down. The claimant did not receive payment in lieu of notice and he did not receive his annual leave entitlement. The claimant registered with FAS and he has not been called for interviews. He is in receipt of social welfare benefit since December 2005. On termination of his employment he received a P45. He received a P60 for 2003 and 2004.

**Determination**

Based on the uncontested evidence of the claimant, the Tribunal is satisfied that the claimant was

unfairly dismissed and accordingly awards the claimant compensation of €10,000 under the Unfair Dismissals Acts, 1977 to 2001. The Tribunal allows the claim for minimum notice and awards the claimant compensation of €1538.46 in lieu of notice, which is equivalent to two weeks gross pay (€769.23 per week) under the Minimum Notice and Terms of Employment Acts, 1973 to 2001. The Tribunal awards the claimant €1692.30 for eleven days holiday pay under the Organisation of Working Time Act, 1997. As the Redundancy Payments Acts and the Unfair Dismissals Acts are mutually exclusive no award is being made under the Redundancy Payments Acts, 1967 to 2003.

Sealed with the Seal of the

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This \_\_\_\_\_

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