

EMPLOYMENT APPEALS TRIBUNAL

CLAIM(S) OF:

Employee

CASE NO.

MN564/2007

against
Employer

under

MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2001

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr D. Mahon BL

Members: Mr. T. O'Sullivan
Mr J. Maher

heard this claim at Dublin on 11th December 2007

Representation:

Claimants(s) : In person

Respondent(s) : In person

The decision of the Tribunal was as follows:-

Claimant's Case:

The claimant stated that he had commenced employment with the respondent on December 6th 2003 with a gross weekly wage of € 758.00. On Tuesday June 19th 2007 his employer informed him that he was to be let go on Friday. The following Thursday he handed his employer a redundancy payment form to complete and requested his P45. He received his redundancy payment and three days minimum notice.

When asked, he stated that he commenced new employment the following Monday, June 25th 2007 at a slightly higher weekly gross pay. He said that when he was informed of his forthcoming dismissal, he looked for alternative employment.

Respondent's Case:

The owner of the respondent company gave evidence. He stated that he had approached the claimant on Tuesday June 19th 2007 to inform him that he was to be let go. The claimant said that he was entitled to minimum notice and redundancy. The witness told the claimant that he would receive what he was entitled to. He handed the claimant a letter stating that his notice was to be worked out, ending on July 2nd 2007. The claimant replied that he could not as he had acquired new employment.

Determination:

Having heard the evidence adduced the Tribunal finds that the claimant did not receive his statutory entitlement to Minimum Notice. Due to the length of service the claimant would be entitled to two weeks notice but was paid three days only. However, the claimant commenced employment the week following his dismissal and is therefore only entitled to the balance of two days minimum notice.

Accordingly, the Tribunal awards the Appellant €303.20 being the sum due for two days notice at €758.00 gross per week under the Minimum Notice and Terms of Employment Acts, 1973 to 2001.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)