

EMPLOYMENT APPEALS TRIBUNAL

CLAIMS OF:

Employee

CASE NO.

MN444/2006

UD674/2006

WT216/2006

and

Employee

UD677/06

MN447/06

WT219/06

Against

3 Employers

under

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

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr J. O'Connor

Members: Mr D. Hegarty
Mr K. O'Connor

heard this claim at Killarney on 13th September 2007 and 4th December 2007

Representation:

Claimants :

Mr Adrian Hegarty, Ms Noreen Browne, Pdraig J O'Connell, Solicitors,
Glebe Lane, Killarney, Co Kerry

Respondents:

Mr Terence F. Casey, Mr Conor Myles, Terence F. Casey & Co., Solicitors,
99 College Street, Killarney, Co. Kerry

The determination of the Tribunal was as follows:-

The respondent employed the claimants as craftsmen. Relations between the claimants and the respondent had been excellent for a number of years. However, tensions arose after a third employee was promoted to the position of workshop manager. Disagreements arose between the claimants, who were

fitters and worked mainly at customers' premises, and the workshop manager. The claimants contend that these disagreements were work-related. The respondent contends that they were personality-based. After considerable attempts to resolve these differences, things came to a head on 19th June 2006, when the respondent had brief individual meetings with each of the claimants. The evidence given to the Tribunal regarding what occurred at these meetings is conflicting. The claimants contend they were individually dismissed without notice and without payment of a previously agreed bonus. The respondent contends that the claimants walked out of their jobs and that no agreement had been reached regarding payment of a bonus.

The Tribunal unanimously agreed that there was no dismissal in this case. The claimants absented themselves from their employment from the 19th June 2006, therefore the claims under the Minimum Notice and Terms of Employment Acts, 1973 to 2001, the Organisation of Working Time Act, 1997 and the Unfair Dismissals Acts, 1977 To 2001 fail.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)