

EMPLOYMENT APPEALS TRIBUNAL

CLAIM OF:

Employee

against

Employer

under

CASE NO.

UD1214/2006

MN803/2006

WT381/2006

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: Ms. P. Clancy

Members: Mr. G. Phelan
Dr. A. Clune

heard this claim at Limerick on 8 February 2008

Representation:

Claimant:

Mr. Micheal Purtill B.L. instructed by Ms. Frances Twomey,
Twomey Scott & Co. Solicitors, 56 O'Connell Street, Limerick

Respondent:

Ms. Norma O'Donovan, McMahon O'Brien Downes, Solicitors,
Mount Kennett House, Henry Street, Limerick

The determination of the Tribunal was as follows:

At the scheduled time of the hearing there was no appearance by, or representation on behalf of, the respondent. The Tribunal, being satisfied that the respondent was properly on notice of the hearing, and having delayed the hearing in case the respondent had been delayed, commenced to hear the claimant's case. During the hearing the respondent's representative appeared before the Tribunal to make an application for an adjournment on the basis that, whilst the respondent was on notice of the hearing, an error had been made as to the date of the hearing. The Tribunal refused the application, which was opposed by the claimant's representative, on the basis that the respondent was properly on notice of the hearing and had only instructed their solicitor after the start of the hearing.

Determination:

Based on the uncontroverted evidence of the claimant the Tribunal is satisfied that the claimant was dismissed and that the dismissal was unfair. The Tribunal is satisfied that the claimant was dismissed without notice and did not receive payment for annual leave or public holidays. Having heard evidence of loss the Tribunal awards €6,000-00 under the Unfair Dismissals Acts, 1977 to 2001. Loss having been established the Tribunal awards €600-00, being two weeks' pay, under the Minimum Notice And Terms Of Employment Acts, 1973 To 2001. The Tribunal further awards €1,725-00 under the Organisation Of Working Time Act, 1997 comprising four weeks' annual leave and seven public holidays

Sealed with the Seal of the
Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)