

## **EMPLOYMENT APPEALS TRIBUNAL**

**CLAIM(S) OF:**

Employee

**CASE NO.**

RP16/2007

UD53/2007

MN35/2007

against  
Employer

under

**MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2001  
REDUNDANCY PAYMENTS ACTS, 1967 TO 2003  
UNFAIR DISMISSALS ACTS, 1977 TO 2001**

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Ms N. O'Carroll-Kelly BL

Members: Mr M. Murphy  
Mr P. McAleer

heard this claim at Cavan on 1st February 2008

**Representation:**

Claimant(s) : Mr. Brian Carroll BL instructed by:  
John V. Kelly & Co., Solicitors, Church Street, Cavan

Respondent(s) : Not present or represented

The determination of the Tribunal was as follows:-

The Tribunal are satisfied that the respondent was properly served by the Employment Appeals Tribunal at the correct registered address as per a Companies Registration Office search.

At the outset the claim under the Redundancy Payments Acts, 1967 to 2003 was withdrawn.

**Claimant's Case:**

The claimant gave evidence. He explained that he had been employed by the respondent as a general operative in another business owned by the respondent company. In May 2004 he was informed there was no longer a position in that business but was given a position by the respondent a few days later.

Some months later he was moved to work as stores person. At the time there were two other staff working in the stores. In September 2006 the owner of the respondent company informed him that his job was being made redundant. There was a position available on the premises and he was told he could apply for it. He was unsuccessful. The claimant told the Tribunal that he was offered a cheque in payment for redundancy but on seeing the amount offered he refused to accept it.

When asked, he stated that he had set up a new business with his brother a month later.

**Determination:**

Having the uncontested evidence adduced by the claimant the Tribunal finds that the claimant was unfairly dismissed. Accordingly the Tribunal awards the sum of € 3,000 under the Unfair Dismissals Acts 1977 to 2001.

Loss having been established the Tribunal awards the claimant the sum of € 1,023.58 (this being two week's gross pay) under the Minimum Notice and Terms of Employment Acts, 1973 to 2001.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

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