

EMPLOYMENT APPEALS TRIBUNAL

CLAIM OF:

Employee

CASE NO.

MN729/07

Against

Employer

Under

MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2001

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms. M. Levey B.L.

Members: Mr. T. O'Sullivan
Mr. N. Broughall

heard this claim at Dublin on 13th February 2008.

Representation:

Claimant : Mr Blazej Nowak, Emigrant Advice, 1 Cathedral Street, Dublin 1

Respondent : Mr. Marcin Szulc, Maguire McClafferty, Solicitors, Ontario Terrace, Portobello Bridge, Dublin 6

The decision of the Tribunal was as follows:-

Determination:

The employer is relying on Section 8 of the Minimum Notice and Terms of Employment Acts, 1973 to 2001 which permits an employer not to pay minimum notice when an employee is dismissed for misconduct. While there is no unfair dismissal case before the Tribunal, it is not for the Tribunal to decide whether the dismissal was unfair or not. It appears that there may have been misconduct on the part of the employee, in that the obviously forged money apparently went unnoticed by her in circumstances where it was so obviously forged it resembled monopoly money. However, another employee has accepted full responsibility for that, and regardless of whether he is responsible or not, in those circumstances the Tribunal finds that the claimant is

entitled to one week's notice of €356.00 under the Minimum Notice and Terms of Employment Acts, 1973 to 2001.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

