

EMPLOYMENT APPEALS TRIBUNAL

CLAIM OF:

Employee

Against

Employer

Under

CASE NO.

UD594/2007, RP276/2007

MN273/2008

UNFAIR DISMISSALS ACTS, 1977 TO 2001

REDUNDANCY PAYMENTS ACTS, 1967 TO 2003

MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2001

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms P. McGrath B L

Members: Mr F. Cunneen
Ms K. Garvey

heard this claim at Wicklow on 26th March 2008

Representation:

Claimant : Ms Deirdre Hughes B L instructed by
Richard Cooke & Co., Solicitors, Wexford Road, Arklow, Co. Wicklow

Respondent : No representation listed

The determination of the Tribunal was as follows:

The Tribunal is satisfied that the respondent was properly notified of this hearing. Neither the respondent nor a representative on its behalf appeared for this hearing.

At the outset of this hearing submissions were made on behalf of the claimant to explain the late submission of this application under the Unfair Dismissals Acts, 1977 to 2001. The applicant stated on his T1-A form that his employment ended on 29 September 2006 and his application under the above Acts was received by the secretariat of the tribunal on 13 June 2007. The Tribunal is satisfied that the claimant's stated date of termination was incorrect and occurred some time subsequent to that date.

Claimant's Case

The witness commenced employment with the respondent in March 2003 and up to late August 2006 he had no difficulties with the company. In late August 2006 the claimant sustained an injury during the course of his employment and that resulted him from being declared unfit for work shortly after that accident. The following month and still on sick leave the claimant was informed by his employer that he was being laid off. When he queried a possible redundancy payment the respondent replied his lay-off was temporary. That led the witness to believe that he would be re-employed by March 2007. However, his belief was not justified, as he was not called back to work. Following his application to the tribunal the claimant received a letter from the respondent dated 26 February 2008. That letter notified him of his dismissal.

Respondent's Case

No evidence adduced.

Determination

Having heard the uncontested evidence of the claimant the Tribunal is satisfied that the respondent dismissed him without notice and by way of redundancy. Accordingly, his appeal under the Redundancy Payments Acts, 1967 to 2003 is allowed and he is awarded a statutory amount based on the following:

Date of Birth: 14 November 1958
Date of Commencement: 10 March 2003
Date of Termination: 26 February 2008
Gross Weekly Wage: €420.00

Since a dismissal by way of redundancy is considered fair it follows that the claim under the Unfair Dismissals Acts, 1977 to 2001 no longer applies and is deemed withdrawn.

The appeal under the Minimum Notice and Terms of Employment Acts, 1973 to 2001 is allowed and the appellant is awarded €840.00 as compensation for two weeks' notice entitlement.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

