

## EMPLOYMENT APPEALS TRIBUNAL

CLAIM OF:

CASE NO.

Employee

UD1321/2006

RP676/2006

MN873/2006

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 M. Petty

Members: Mr. G. Phelan  
Mr. T. Kennelly

heard this claim at Limerick on 13th February 2008

#### **Representation:**

Claimant: Ms. Noirin Grace, English Leahy Solicitors, 8 St. Michael Street, Tipperary Town

Respondent: No appearance or representation

The Claimant withdrew the Redundancy claim during the hearing.

The determination of the Tribunal was as follows:

#### **Claimant's case:**

The Claimant started work for the Respondent as a carpenter in February 2004, until 4 August 2006. He was never told he was dismissed, and towards the end his pay was slow to come, and eventually one of his pay cheques bounced. He only got his P.45 when the Revenue Commissioners in Limerick provided it. He received no notice. His employer had never expressed dissatisfaction with his work. He tried many times to contact the Respondent without success. He is self-employed now. He, at no time, claimed unemployment benefit. He didn't know if the Respondent's company was a Limited company. The T1A is incorrect regarding the date of termination – it should be 4 August 2006. The Respondent's company is still in business, operating from his home address in Gort. He stated that he and his colleague were replaced by other employees after they were let go.

**Determination:**

Based on the uncontested evidence of the Claimant, the Tribunal finds that he was dismissed due to the conduct and inaction of the employer, which amounted to a dismissal. There were no fair grounds for the employer's behaviour, and accordingly the Tribunal finds he was unfairly dismissed, and awards him €5,400.00 under the Unfair Dismissal Acts, 1977 to 2001.

In addition, the Tribunal awards him €1,600.00 (being the equivalent of two weeks pay in lieu of notice) under the Minimum Notice and Terms of Employment Acts 1973 to 2001.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

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

