

EMPLOYMENT APPEALS TRIBUNAL

CLAIMS OF:
Employee

CASE NO. UD688/2007
MN555/2007
WT234/2007

against
Employer

under

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: Mr B Garvey BL

Members: Mr F. Moloney
Mr B Mckenna

heard this claim at Dundalk on 7th March 2008 and 15th May 2008

Representation:

Claimant: Mr Brendan Murphy,
Tullaghomoath, Omoath, Dundalk, Co Louth

Respondent: Mr. Richard McDonnell, Richard H. McDonnell, Solicitors,
Market Square, Ardee, Co. Louth

The determination of the Tribunal was as follows:

The respondent company contested that the claimant had sufficient service to make a claim under the Unfair Dismissals Acts, 1977 to 2001. The respondent company stated that the claimant commenced on 28th June 2006 and was dismissed from his employment on 27th June 2007. The respondent company conceded at the beginning of the hearing that if the claimant was found to have had the requisite service to claim under the acts, then he had been unfairly dismissed due to the lack of correct dismissal procedures.

The claimant stated that he had been employed from 26th June 2006 and was dismissed without the required statutory notice on 27th June 2006. The claimant produced a payslip which showed that he was paid a full week's wages on 30th June 2006. The claimant also claimed that he was due holiday entitlements under the Organisation of Working Time Act, 1997, but did not quantify what number of days was outstanding.

The Tribunal finds that the claimant was entitled to one week's notice of termination and therefore the claim under the Minimum Notice And Terms Of Employment Acts, 1973 To 2001,

succeeds and the claimant is awarded €388.83. Accordingly, the Tribunal finds that the claimant was entitled to claim unfair dismissal under the acts and therefore the claim under the Unfair Dismissals Acts, 1977 to 2001 succeeds. However, as the claimant found alternative employment the following week the Tribunal makes no award of compensation. In relation to the Organisation of Working Time Act, 1997, the Tribunal finds that the claim fails for lack of evidence.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)