

EMPLOYMENT APPEALS TRIBUNAL

CLAIM OF:

CASE NO.

Employee

MN704/2007

against

Employer

under

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. P. Pierson
Ms. P. Ni Sheaghda

heard this claim at Mullingar on 12 June 2008

Representation:

Claimant:

Mr. Seamus McNamee, SIPTU, Longford Westmeath Branch,
Unit 16C, Lough Sheever Corporate Park,
Robinstown, Mullingar, Co. Westmeath

Respondent:

In person

The decision of the Tribunal was as follows: -

Determination

The Tribunal has considered the evidence adduced. The claimant says that after a period of illness he informed his employer that he was fit to return to work. The employer states that he understood that the claimant would never be fit to return to work in that particular workplace and had replaced the claimant, or at least re-organised his workplace so that the claimant was no longer required.

Whilst there was a genuine belief on the part of the employer that the claimant's condition meant that he would not be able to return to work the Tribunal cannot find any evidence to suggest that the claimant gave this impression. The medical certificate provided stated that the claimant would be unfit for a period of four weeks after his discharge from hospital.

The claimant's employment was terminated without regard to the claimant's rights under the Minimum Notice and Terms of Employment Acts, 1973 to 2001 and the Tribunal finds that the

claimant is entitled to payment in lieu of notice in the amount of €720-00, being one week's pay.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)