

EMPLOYMENT APPEALS TRIBUNAL

CLAIM OF:
Employee

CASE NO.
UD133/2008
MN128/2008

against

Employer

Under

UNFAIR DISMISSALS ACTS, 1977 TO 2001 MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2001

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr J Flanagan BL

Members: Mr J Reid
Mr F Barry

heard this claim at Dublin on 26th May 2008

Representation:

Claimant: Mr Michael Vallely BL instructed by
Brendan D O'Connor & Co, Solicitors, 179 Crumlin Road, Dublin 12

Respondent: No attendance or representation by or on behalf of the respondent

The determination of the Tribunal was as follows:

The Tribunal is satisfied that the respondent was properly notified of this hearing.

Claimant's Case

The claimant commenced employment as head chef on the 17th September 2006 with the respondent. On the 3rd October 2007, the claimant was approached by a representative of the respondent and was told that his employment with the company was being terminated with immediate effect.

The claimant gave evidence of loss.

Respondent's Case

The respondent did not appear and so no evidence was adduced on behalf of the respondent.

Determination

The respondent is a limited liability company. The Tribunal directed that an electronic search be carried out at the Companies Registration Office and was thereby satisfied that the address as given on the T1A for the respondent was correct. Having heard the uncontroverted evidence of the claimant the Tribunal finds that the claimant was unfairly dismissed.

The claim for unfair dismissal succeeds and the claimant is awarded €5240.00 as compensation under the Unfair Dismissals Acts, 1977 to 2001. The Tribunal is satisfied that reinstatement or reengagement are inappropriate remedies in all the circumstances of the case, having regard to the wishes of the respondent, the passage of time since the date of termination, that the granting of the primary remedies would have an adverse effect on the employment of the replacement employee and in the interests of the current employer of the respondent.

The Tribunal also determines that the claimant was entitled to one week's notice and therefore the Tribunal awards the claimant €860.00 under the Minimum Notice and Terms of Employment Acts, 1973 to 2001.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)