

EMPLOYMENT APPEALS TRIBUNAL

Claim Of:
Employee

Case No.
MN884/2007

against
Employer

under

MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2001

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr. P. O'Leary B L
Members: Mr. J. Hennessy
Ms. E. Brezina

heard this claim at Carlow on 29th April 2008

Representation:

Claimant: In person

Respondent: Director of the company

The decision of the Tribunal was as follows:

The claimant worked with the respondent from the 19 June 2007 to the 27 November 2007. The Tribunal heard evidence that the claimant had sustained an injury at work. He attended a number of doctors and was medically certified for a number of weeks as a result of his injury.

The claimant alleged that when he contacted a director of the company concerning his sick leave he was told the company were giving him his P-45. There was a dispute between the parties concerning various dates and communications.

The claimant was unable to work for a period of ten days following the 27 November 2007.

Determination:

The claimant was unavailable for work during his notice period because he admitted that he was incapable of working. In such circumstances he had no loss. Therefore, the Tribunal finds that the claim under the Minimum Notice and Terms of Employment Acts, 1973 to 2001 must fail.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)