

EMPLOYMENT APPEALS TRIBUNAL

CLAIMS OF:
Employee

CASE NO.
UD1357/2006
MN899/2006
WT418/2006

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: Ms. K.T. O'Mahony B.L.

Members: Mr. M. Forde
Mr K. O'Connor

heard this claim at Tralee on 29th April 2008

Representation:

Claimant: Mr. Conor Myles, Terence F. Casey & Co., Solicitors,
99 College Street, Killarney, Co. Kerry

Respondent: No appearance or representation

The determination of the Tribunal was as follows:

The respondent did not enter an appearance to the claim. The Tribunal is satisfied that the respondent was duly notified of the hearing.

Determination:

The claimant worked for the respondent in various sites in Cork. He often travelled to Cork for work but the respondent sent him home to Killarney, without any pay, because the weather was bad. On 13 November 2006 the site foreman told him that he was fired because he was useless and there was no more work for him. The claimant had never received any warning regarding his work.

The respondent failed to attend the hearing and discharge the onus placed on a respondent, under sub-section (6) of section 6 of the of Unfair Dismissals Act 1977 as amended, of proving that the dismissal was fair. Accordingly, the Tribunal applies subsection (1) of section 6 and deems the dismissal unfair. Having heard evidence of loss the Tribunal awards the claimant the sum of €45,000.00, as compensation under the Unfair Dismissals Acts, 1977 to 2001.

As the claimant was not given prior notice of his dismissal, the Tribunal awards him the sum of €1,024.00, being two weeks' gross pay, as compensation under the terms of the Minimum Notice and Terms Of Employment Acts, 1973 to 2001.

The Tribunal awards the claimant the sum of €1,024.00, under the Organisation Of Working Time Act, 1997

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

