

EMPLOYMENT APPEALS TRIBUNAL

CLAIM(S) OF:

CASE NO.

Employee

MN407/2008

WT188/2008

UD448/2008

against

Employer

under

MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2001 ORGANISATION OF WORKING TIME ACT, 1997 UNFAIR DISMISSALS ACTS, 1977 TO 2001

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr. D. Mac Carthy S C

Members: Mr. D. Winston
Mr G. Whyte

heard this claim at Dublin on 28th July 2008

Representation:

Claimant(s): Mr. Richard Grogan, P.C. Moore & Company, Solicitors,
17 South Great George's Street, Dublin 2

Respondent(s): Company representative

The determination of the Tribunal was as follows:-

Determination

The claimant's case was that he was dismissed when he queried his work roster. The respondent said he was dismissed for falling asleep at work (he was a security officer), having previously received one verbal and two written warnings.

However the respondent produced no evidence to substantiate its case and has therefore failed to show substantial grounds justifying dismissal as required under the Act, and the dismissal must be deemed unfair.

We award the claimant compensation in the sum of €12,000 as being "just and equitable having regard to all the circumstances" under the Act.

We also award the claimant €620 under the Minimum Notice and Terms of Employment Acts, 1973 to 2001.

The claim under the Organisation of Working Time Act 1997 fails as the claimant did not prove he was due any holiday pay.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

