

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:

CASE NO.

Employee

UD236/2008

against the recommendation of the Rights Commissioner in the case of:

Employee

and

Employer

under

UNFAIR DISMISSALS ACTS, 1977 TO 2001

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms. M. Levey BL

Members: Mr F. Moloney
Ms. A. Moore

heard this appeal at Dublin on 16th June 2008

Representation:

Appellant(s): Ms Carol Conboy, 67 Hillview Grove, Ballinteer, Dublin 16

Respondent(s): Company Representative

The determination of the Tribunal was as follows:-

Respondent's Case

SR for the respondent told the Tribunal she bought the business on 31 March 2007. She told the appellant on 28 April that she had no need for part time workers. She offered the appellant full time work but the appellant was unable to take up this offer of employment. She gave the appellant a week's pay in lieu of notice.

Appellant's Case

The appellant told the Tribunal that she was attending college and she worked part time with the respondent. The respondent offered her a full time job, which she could not accept.

Determination

The appellant accepts the circumstances surrounding her dismissal as being a need to reorganise and restructure the business. She was asked to accept the offer of full time summer work and it was more the manner she was told her job was no longer available than the fact it was no longer available that prompted her to bring this case. While it may have been rather abrupt and might have come as a surprise to her she accepted the circumstance surrounding the restructuring and this dismissal is not deemed to be unfair under the Unfair Dismissals Acts, 1977 to 2001.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

