

EMPLOYMENT APPEALS TRIBUNAL

CLAIMS OF:

Employee

RP649/2007

CASE NO.

UD1141/2007

MN886/2007

Employee

UD1142/2007

RP650/2007

MN887/2007

against

Employer

under

UNFAIR DISMISSALS ACTS, 1977 TO 2001 REDUNDANCY PAYMENTS ACTS, 1967 TO 2003 MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2001

I certify that the Tribunal

(Division of Tribunal)

Chairman: Ms M. McAveety

Members: Mr. B. O'Carroll

Mr J. Le Cumbre

heard this claim at Longford on 17th July 2008

Representation:

Claimant: Mr. Blazej Nowak, 19 Talbot Street, Dublin 1

Respondent: No appearance or representation

First named Claimant's evidence:

The claim under the Redundancy Payments Acts, 1967 to 2003, was withdrawn from the outset. The Tribunal heard uncontested evidence from the first named Claimant who told the Tribunal that he and a colleague were in work (on or about 30th November 2007). It was raining very heavily that day. Some of their colleagues had gone home. They were about to finish work for the day when their employer phoned them at 3.00 p.m. and asked them to do other peoples work. He phoned the employer and told him that their uniforms were completely wet and that they had finished their own work. He and his colleague went home. The employer phoned him and asked him why they had left. He tried to explain why and his employer told him that there was no more work for them.

Second named Claimant's evidence:

The claim under the Redundancy Payments Acts, 1967 to 2003, was withdrawn from the outset. The Tribunal heard uncontested evidence from the second named Claimant who told the Tribunal that it was raining heavily and they were due to finish work and go home. The owner phoned and spoke to his colleague (first named Claimant). He was told that the owner said that he was dismissing them and not to return to work.

Determination:

The Tribunal is satisfied that proper notification was sent to the Respondent.

First named Claimant:

The claim under the Redundancy Payments Acts, 1967 to 2003 was withdrawn from the outset, accordingly that claim is dismissed.

The claim under the Unfair Dismissals Acts, 1977 to 2001, succeeds. The Tribunal determines that the Claimant was summarily dismissed. Having heard evidence of loss the Tribunal awards the Claimant the sum of €16,200.00.

The claim under the Minimum Notice and Terms Of Employment Acts, 1973 to 2001 succeeds and the Tribunal awards the Claimant the sum of €1,350.00, this being two weeks gross pay as compensation in lieu of notice.

Second named Claimant:

The claim under the Redundancy Payments Acts, 1967 to 2003 was withdrawn from the outset, accordingly that claim is dismissed.

The claim under the Unfair Dismissals Acts, 1977 to 2001, succeeds. The Tribunal determines that the Claimant was summarily dismissed. Having heard evidence of loss the Tribunal awards the Claimant the sum of €13,500.00.

The claim under the Minimum Notice and Terms Of Employment Acts, 1973 to 2001 succeeds and the Tribunal awards the Claimant the sum of €1,350.00, this being two weeks gross pay as compensation in lieu of notice.

Sealed with the Seal of the
Employment Appeals Tribunal

This _____

(Sgd.) _____

(CHAIRMAN)