

EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:
Employer
Employer

CASE NO.
UD575/2007

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

Employee
-v-
Employer
Employer

under

UNFAIR DISMISSALS ACTS, 1977 TO 2001

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr M. Gilvarry
Members: Mr. D. Morrison
Mr M. McGarry

heard this appeal at Castlebar on 27th May 2008

Representation:

Appellant: Mr Roger Leonard, Mr Roger Leonard,
60 Beaumont Avenue, Dublin 14

Respondent: Mr. Brendan Boyle, Citizens Information
Centre, Teeling Street, Ballina, Co. Mayo

The determination of the Tribunal was as follows:

This case is before the Tribunal by way of an employer appealing the recommendation of a Rights Commissioner, ref: r-040177-ud-06/JT, the employer is referred to as the Appellant and the employee the Respondent.

The employer/Appellant did not attend the hearing. The representative for the Appellant in applying for an adjournment explained that the Appellant resided a number of miles from the hearing location and that he was a househusband. The representative for the employee/Respondent told the Tribunal that the Appellant had previously attended two Rights Commissioner hearings in Castlebar.

The Tribunal considered the matter. The Tribunal determined the hearing would commence as the employer was properly notified of the hearing on 16th April 2008 and indeed he corresponded with the Tribunal Secretariat on 18th April 2008 regarding a witness subpoena. He applied for and was

granted a witness subpoena on 08th May 2008.

The representative for the Appellant called his witness:

The witness explained that she left the employment circa one month after the Respondent employment ended. She told the Tribunal that the employer told the Respondent to “get out of his f***** shop”. The employer phoned her and she told him that the Respondent would work her notice and he told her, “tell her not to bother I will pay her for the week”.

It was put to the witness that she told her employer that she “got hassle” from the Respondent and the witness denied she “got hassle”.

Determination:

The Tribunal determines that the employer’s appeal fails. Accordingly the Tribunal upholds the recommendation of the Rights Commissioner in awarding the employee the sum of €6,600.00, under the Unfair Dismissals Acts, 1977 to 2001.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)