

EMPLOYMENT APPEALS TRIBUNAL

CLAIM OF:

CASE NO.

Employee

MN416/2008

Against

Employer

under

MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2001

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms P. Mc Grath BL

Members: Mr F. Moloney
Mr G. Lamon

heard this claim at Dublin on 29th August 2008

Representation:

Claimant: Mr. Brian Gormley, Unite, 5 Whitefriars, Aungier Street, Dublin 2

Respondent: No representation listed

The decision of the Tribunal was as follows:-

The Tribunal heard from both parties. The only issue to be dealt with was the question whether the claimant was entitled to one weeks notice.

The Respondent said that it gave notice by letter on the 4th September 2007 and even if the claimant did not get that letter the claimant and the respondent knew that the claimant had only been given employment for the summer and to finish a particular job. When that job was finished a further two to three weeks work was provided up to the start date of the FAS apprenticeship course the claimant was due to commence towards the end of September.

When the claimant started his FAS course did he believe he would be returning to the respondent company at the end of the course or did he understand that his employment was terminated?

On balance the Tribunal finds that the parties believed that the employment was terminated on

Friday 21st September 2007. The requisite thirteen weeks of employment had not been acquired therefore the claim under Minimum Notice and Terms of Employment Acts 1973 to 2001 fails.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)