

EMPLOYMENT APPEALS TRIBUNAL

CLAIM(S) OF:

Employee

CASE NO.

MN769/2007

UD992/2007

WT331/2007

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: Ms. E. Kearney BL

Members: Mr. J. Redmond
Ms H. Henry

heard this claim at Galway on 19th September 2008

Representation:

Claimant(s) :Mr. John O'Donnell BL instructed by:
Ms. Siobhan McGowan, F.M. Fitzgerald & Co., Solicitors, Kiltartan House,
Forster Street, Galway

Respondent(s) : Mr. Tom Jordan, Jordan Consultants, 3 Brookside Terrace, Dundrum Road,
Dublin 14

The determination of the Tribunal was as follows:-

Respondent's Case:

No evidence was adduced on behalf of the respondent company in this case. The fact of dismissal was not in dispute.

Claimant's Case:

He stated that he had commenced employment in October 2002 with an annual salary of € 19,250. Having applied for various positions, the claimant has been unable to obtain employment to date.

Determination:

As the respondent nor its representative failed to produce evidence at the hearing to discharge the onus placed on it to establish that the dismissal was not unfair the Tribunal, applying subsection (6) of section 6 of the Unfair Dismissals Act 1977, deems the dismissal unfair. The Tribunal awards the claimant € 19,250.00 under the Unfair Dismissals Acts, 1977 to 2001.

Loss having been established the Tribunal awards the sum of € 1100.00, this being two weeks' gross pay, under the claim under the Minimum Notice and Terms of Employment Acts, 1973 to 2001.

The Tribunal also awards the claimant the sum of € 770.00, this being the equivalent of seven days' pay under the Organisation of Working Time Act, 1997

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)