

EMPLOYMENT APPEALS TRIBUNAL

CLAIM OF:

CASE NO.

Employee

MN422/2007

Against

WT183/2007

Employer

under

MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2001 ORGANISATION OF WORKING TIME ACT, 1997

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr J Flanagan BL

Members: Mr P Pierce
Ms M Finnerty

heard this claim at Dublin on 19th September 2007

Representation:

Claimant: In person

Respondent: Ms Emma Hanratty BL, instructed by Tiernan Solicitors, 15 Church St., Dundalk,
Co. Louth

The decision of the Tribunal was as follows:

Determination:

Counsel on behalf of the respondent appeared before the Tribunal and applied for an adjournment at the commencement of the hearing. Counsel stated that the principal in the respondent firm was unavailable. The Tribunal questioned the representative for the respondent as to why an application for an adjournment was not made at an earlier date and the reasons as to why no other witnesses were available to give evidence. The Tribunal afforded the representative the opportunity to seek telephone instructions. Having carefully considered all relevant matters the Tribunal refused the application for an adjournment. The Tribunal is anxious to ensure that no party can force an adjournment by appearing without any witnesses.

The case proceeded. No witnesses were present to give evidence on behalf of the respondent. The Tribunal permitted counsel for the respondent to question the claimant. However the Tribunal directed that as there were no witnesses available to prove an alternative version of events to that given in evidence by the claimant then no alternative version of events could be put to the claimant in cross-examination by counsel for the respondent.

The Tribunal questioned the claimant in detail about the places where he worked and the dates when he worked and hours that he worked. The Tribunal questioned the claimant about such other matters as appeared relevant including the number of days' holidays taken by the claimant. Based on the uncontroverted evidence of the claimant in relation to his pay, overtime and holidays *etcetera* the Tribunal awards to the claimant €2899.00 under the Organisation of Working Time Act, 1997.

In addition, the Tribunal awards €650.00 to the claimant being one week's gross remuneration under the Minimum Notice and Terms of Employment Acts, 1973 to 2001.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)