

**EMPLOYMENT APPEALS TRIBUNAL**

CLAIM OF:  
Employee

CASE NO.  
UD281/2008

against  
Employer

under

**UNFAIR DISMISSALS ACTS, 1977 TO 2001**

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Mr D Mac Carthy SC

Members: Mr E Handley  
Mr O Nulty

heard this claim at Drogheda on 22nd July 2008 and 4th November 2008

Representation:

Claimant: Mr Brendan Foley BL, instructed by:  
Mr Sean Brown, Con O'Connor & Co, Solicitors,  
Balbriggan, Co. Dublin

Respondent: Mr Tom Mallon BL, instructed by:  
Mr Cian Beecher, Arthur Cox, Solicitors,  
Earlsfort Centre, Earlsfort Terrace, Dublin 2

The determination of the Tribunal was as follows:

The claimant was dismissed following the discovery of a significant amount of company product in a cupboard over which he had control. When asked about this he admitted responsibility, and also admitted that he was using company ingredients to make finished product. He was dismissed, the letter of dismissal stating, "this termination is being issued on the grounds of theft."

While the claimant admitted what he was doing was "totally wrong" he pleaded that, "because we all have been doing it for so many years that it just seemed normal." He was unable to produce any evidence to support his case that the respondent company condoned such a practice in any way.

The Tribunal finds that the employer has shown substantial grounds justifying the dismissal under sections 6(1), 6(4) and 6(6) of the Unfair Dismissals Act 1977.

The claim fails.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

(Sgd.) \_\_\_\_\_  
(CHAIRMAN)