

EMPLOYMENT APPEALS TRIBUNAL

CLAIM(S) OF:
Employee

CASE NO.
UD374/2008
MN334/2008

Employee

UD373/2008
MN333/2008

against
2 Employers

under

MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2001 UNFAIR DISMISSALS ACTS, 1977 TO 2001

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr D. Hayes BL

Members: Mr. L. Tobin
Ms M. Mulcahy

heard this claim at Dublin on 26th January 2009

Representation:

Claimant(s) : In Person

Respondent(s) : No appearance by or on behalf of the respondent

Determination

There was no appearance by or on behalf of the respondent. The respondent has not entered a notice of appearance. The notice of hearing that was sent to the respondents registered office by registered post was returned marked 'gone away'. It was also sent by ordinary prepaid post. The claimant had provided a second address for the respondent and the notice was also sent to this address.

The first named claimant gave evidence that he commenced employment in September 2004 and that he was dismissed without notice in March 2008. The second named claimant gave evidence that he commenced employment in March 2005 and was dismissed without notice in March 2008. There was no evidence to rebut the presumption of unfair dismissal and the Tribunal is satisfied that the claimants were unfairly dismissed. The first named claimant obtained employment between the

end of April 2008 and November 2008. That employment has come to an end.

The Tribunal makes an award to the first named claimant of compensation in the amount of €13,500.00 as being just and equitable in the circumstances, pursuant to the Unfair Dismissals Acts 1977 to 2001. The Tribunal also makes an award to the second named claimant of compensation in the amount of €32,000.00 as being just and equitable pursuant to the Unfair Dismissals Acts 1977 to 2001.

The claimants also made claims under the Minimum Notice and Terms of Employment Acts 1973 to 2001. They had previously brought claims to the Rights Commissioner under the Payment of Wages Act 1991. The recommendation in these cases included an amount for minimum notice. The Tribunal therefore dismisses these claims as having been the subject of other proceedings.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

