

## EMPLOYMENT APPEALS TRIBUNAL

CLAIMS OF:

Employee

– *claimant*  
MN936/2008

CASE NO.

UD1006/2008

WT415/2008

against

Employer

– *respondent*

under

### UNFAIR DISMISSALS ACTS, 1977 TO 2001 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: Ms. M. Levey BL

Members: Mr. W. Power  
Ms. M. Maher

heard this claim at Dublin on 15 December 2008

Representation:

Claimant: No appearance

Respondent: Mr. John Curran BL instructed by Paul Beausang Solicitor, First Floor Suite 6,  
The Avenue, Beacon Court, Sandyford, Dublin 18.

The determination of the Tribunal was as follows:-

#### **Determination**

The claim under the Unfair Dismissals Acts, 1977 to 2001, fails for want of prosecution.

The respondent ceased trading on 29<sup>th</sup> February 2008. The claimant was made redundant and paid statutory redundancy. The claimant's entitlement to minimum notice and holiday pay was not contested. Financial constraints had prevented the respondent paying the minimum notice and holiday pay outstanding.

The Tribunal makes an award of €2395.80 being 7 weeks wages (one week's notice was paid) under the Minimum Notice and Terms of Employment Acts, 1973 to 2001. The Tribunal

makes an award of €479.16 under the Organisation of Working Time Act, 1997.

It should be noted that payments from the social insurance fund are limited to a maximum of €600.00 per week.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

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