

EMPLOYMENT APPEALS TRIBUNAL

CLAIM OF:

CASE NO.

Employee

UD676/2008

MN614/2008

against

Employer
under

**MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2005
UNFAIR DISMISSALS ACTS, 1977 TO 2007**

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms. K.T. O'Mahony B.L.

Members: Mr D. Hegarty
Mr K. O'Connor

heard this claim at Cork on 28th January 2009

Representation:

Claimant: Ms. Louise McEvoy, Noonan Linehan Carroll Coffey, Solicitors,
54 North Main Street, Cork

Respondent: No appearance or representation

The determination of the Tribunal was as follows:

The claimant said he started work as a labourer with the respondent in October 2006. In January 2008 - with the respondent's consent - he took a week's holiday because work was slack. On his return from holiday he found that the respondent had issued him with a P45. The following day he went in to work to ask what had happened and an engineer told him, "You're fired and I don't know why". He was never given a reason for his dismissal. His representative said that they wrote to the respondent, but received no response from them.

Determination:

The Tribunal is satisfied that the respondent was duly notified of the hearing herein.

The respondent having failed to attend and discharge the onus of proof, the Tribunal applies Section

6(1) of the Unfair Dismissal Acts and deems the dismissal of the claimant to be unfair. Accordingly, the claim under the Unfair Dismissals Acts, 1977 to 2007 succeeds and the Tribunal awards the claimant €15,000.00 under the Acts.

In addition, it awards him €572.60 (being the equivalent of one week's gross pay) under the Minimum Notice and Terms of Employment Act, 1973 to 2005.

Sealed with the Seal of the
Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

