

## EMPLOYMENT APPEALS TRIBUNAL

**CLAIM(S) OF:**

Employee

- *claimant*

**CASE NO.**

MN1177/2008

UD1277/2008

against

4 Employers

- *respondent*

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: Ms. M. Levey BL

Members: Mr R. Murphy  
Ms K. Garvey

heard this claim at Dublin on 19th March 2009

**Representation:**

Claimant(s) : Doyle & Company, Solicitors, 123 Cabra Road, Dublin 7

Respondent(s) : Ms. Mary Paula Guinness BL instructed by:  
Cullen & Co., Solicitors, 86-88 Tyrconnell Road, Inchicore, Dublin 8

The determination of the Tribunal was as follows:-

**Background:**

The claimant took a claim under the Unfair Dismissals Acts, 1977 to 2001 and the Minimum Notice and Terms of Employment Acts, 1973 to 2001 against the respondent company and three Directors. The respondent's premises were shut down by the Gardaí due to licensing difficulties. According to documentation received from the Companies Registration Office, the respondent company was dissolved on November 7<sup>th</sup> 2008.

**Determination:**

The Tribunal most reluctantly concludes that it cannot proceed to hear this case due to the earlier dissolution of the respondent company. It is most sympathetic to the plight of the claimant whereby the earlier dissolution of the company has cut across the claim process. Such dissolution should not entitle an employer to avoid examination of their employment practices. However, the Tribunal's hands are tied in this regard. It is the case that of a company struck off the register, a Director cannot be held personally liable on an action brought against that company.

Accordingly, the claims under the Unfair Dismissals Acts, 1977 to 2001 and the Minimum Notice and

Terms of Employment Acts, 1973 to 2001 are dismissed.

Sealed with the Seal of the  
Employment Appeals Tribunal

This \_\_\_\_\_

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