

EMPLOYMENT APPEALS TRIBUNAL

Claims Of:
Employee

-Claimant
Case No.
MN1316/2008
WT572/2008

against
Employer -Respondent

under

MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2005 ORGANISATION OF WORKING TIME ACT, 1997

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr. D. MacCarthy S C

Members: Mr. J. Hennessy
Ms. P. Ni Sheaghda

heard this appeal at Carlow on 29th May 2009

Representation:

Claimant: In Person

Respondent: Ms. T. Barry, Fitzpatrick O'Dwyer, Clonmoney House, Newenham Street, Limerick

The decision of the Tribunal was as follows:

The claimant commenced employment with the respondent on the 4th May 1999. He received a weekly gross pay of €887.00. The claimant did not receive notice when the company ceased trading on the 1st June 2002. A liquidator was not appointed to the company until the 17th May 2005. Ms. B of the liquidator's office conceded that the claimant was owed outstanding holiday pay and minimum notice.

Determination:

The Tribunal finds that the claimant is entitled to a sum of €1,774.00 (being the equivalent of two weeks' gross pay) under the Minimum Notice and Terms of Employment Acts, 1973 to 2005.

The claim under the Organisation of Working Time Act, 1997 was received by the Tribunal on the 11th November 2008 and therefore was lodged outside the stipulated time limit as set out under S.27(4)(5). Accordingly, the Tribunal determines it does not have jurisdiction to hear the claim under this Act.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)