

EMPLOYMENT APPEALS TRIBUNAL

CLAIM(S) OF:
EMPLOYEE - claimant

CASE NO.
UD290/2009

against
EMPLOYER - respondent

under

UNFAIR DISMISSALS ACTS, 1977 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr D Cagney BL

Members: Mr B Kealy
Mr J Dorney

heard this claim at Dublin on 28 July 2009

Representation:

Claimant(s): Mr. Cormac O'Ceallaigh
Sean O'Ceallaigh & Co
Solicitors
The Old Bank
Phibsborough
Dublin 7

Respondent(s): No appearance or representation

The determination of the Tribunal was as follows:

The Tribunal is satisfied that the respondent was on notice of the hearing. Neither he, nor a representative on his behalf appeared for this case. The claimant gave evidence that he is studying in Ireland and is permitted to work part-time under the terms of his visa. The claimant worked between 28 and 32 hours per week as a kitchen porter for the respondent, commencing 6 April 2007. He did not receive a written contract of employment.

On Tuesday 16 December 2008 the claimant was on his way home from work when he received a phone call from his employer. The employer told the claimant that he didn't need him and would phone him when he did. When the employer did not phone again the claimant phoned him the following Friday, seeking his holiday pay and P45. His employer told him he didn't pay holidays and would phone the claimant back about his P45. There was no further contact from the employer. The claimant had not received any warnings, verbal or written, during his

employment.

Determination:

Having considered the uncontested evidence of the claimant, the Tribunal is of the view that a dismissal arose and was unfair. Accordingly, the Tribunal awards the claimant €5,300.00 (five thousand, three hundred euro) under the Unfair Dismissals Acts, 1977 to 2007.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)