

EMPLOYMENT APPEALS TRIBUNAL

CLAIM OF:

CASE NO.

Employee
- *claimant*

UD1449/2008

against

Employer - *respondent*

under

UNFAIR DISMISSALS ACTS, 1977 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr J Flanagan BL
Members: Mr D Winston
Ms M Maher

heard this claim at Dublin on 23rd April 2009

Representation:

Claimant: Mr John Doyle, Dillon Eustace, Solicitors,
33 Sir John Rogerson's Quay, Dublin 2

Respondent: Mr James Doherty BL, instructed by:
Beauchamps, Solicitors, Riverside Two, Sir John Rogerson's Quay, Dublin 2

The determination of the Tribunal was as follows: -

The claimant said that she was still too ill to work for any employer.

The respondent said that the claimant had been out of work on maternity leave and sick leave since August 2005 and therefore the claimant had suffered no financial loss. The respondent was prepared to make a concession of unfair dismissal, purely for the purposes of conferring jurisdiction on the Tribunal in relation to the making of an award and without admitting the underlying facts.

Determination:

The respondent admitted that the dismissal was unfair without admission or acceptance of the facts as alleged by the claimant. It was common case that the claimant had suffered no actual loss. The gross weekly remuneration of the claimant was also agreed. The respondent was content to accept an award by the Tribunal in the maximum amount that may be made without actual loss being proven. There being no material fact in dispute and it not being necessary for the Tribunal to consider the circumstances in which the dismissal occurred in order to assess the extent to which it exercises its discretion in relation to deciding the quantum of the award the Tribunal found it unnecessary to hear evidence. The Tribunal therefore determines that the dismissal was unfair and reaches its determination without making any finding as to the underlying facts as alleged by the claimant.

Therefore the Tribunal awards the claimant €4582.60 (being the equivalent of 4 weeks gross pay) under the Unfair Dismissals Acts, 1977 to 2007.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)