

EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:

CASE NO.
UD707/2008

Employer

against the recommendation of the Rights Commissioner in the case of:

Employee

-v-

Employer

under

UNFAIR DISMISSALS ACTS, 1977 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr. D. Mac Carthy S C

Members: Mr E. Handley
Mr. J. Dorney

heard this appeal at Carlow on 19th November 2008

Representation:

Appellant: Mr. Roddy Horan SC instructed by Mr. Niall Pelly solicitor,
Arthur Cox Solicitors, Earlsfort Centre, Earlsfort Terrace, Dublin 2

Respondent: Mr Steve Fitzpatrick, C.W.U., 575 North Circular Road,
Dublin 1, Mr. D. Potter Solicitor, Malone & Potter, Solicitors, 7 Cope Street,
Dublin 2

The determination of the Tribunal was as follows:

This case came before the Tribunal by way of an employer appealing against the recommendation of the Rights Commissioner reference r-056627-ud-07/RG.

For purposes of clarification the appellant will be referred to as the employer and the respondent referred to as the employee.

Determination:

The employee was dismissed for driving a company van under the influence of alcohol against a background of an extended period over several years. The employee was convicted of a related driving offence in 1999 and disqualified from driving for a period and after the expiry of the disqualification period he was allowed to resume driving on 21 July 2004.

The Tribunal find that the employer had shown a substantial ground justifying the dismissal and have followed due procedures.

The Tribunal finds that the dismissal was not unfair and allows the appeal of the of the Rights Commissioner Recommendation reference: r-056627-ud-07/RG, UD707/2008.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)