

EMPLOYMENT APPEALS TRIBUNAL

CLAIM(S) OF:
Employee

CASE NO.
MN394/2009
UD379/2009
WT170/2009

against

Employer

under

MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2005 ORGANISATION OF WORKING TIME ACT, 1997 UNFAIR DISMISSALS ACTS, 1977 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr J Flanagan BL
Members: Mr E Handley
Ms M Maher

heard this claim at Dublin on 29th September 2009

Representation:

Claimant(s): Cathal McGreal BL instructed by Ferrys, Solicitors,
Inn Chambers, 15 Upper Ormond Quay, Dublin 7

Respondent(s): No appearance or representation

The determination of the Tribunal was as follows: -

There was no appearance by or on behalf of the respondent. The Tribunal is satisfied that the respondent had notice of the hearing. The Tribunal notes that a letter on behalf of the respondent was handed in to the secretariat to the Tribunal on the day of the hearing in which it was stated that the respondent had been the subject of an attachment order by the Revenue Commissioners and had ceased trading. The Tribunal further notes that a Company Registration Office search in respect of the respondent had disclosed that the status of the respondent company was normal.

The claims of the claimant were not opposed by the respondent. The claimant consented to the making of the following awards as calculated as set out below. The Tribunal finds that the claimant was unfairly dismissed and awards to the appellant 104 weeks remuneration calculated on the basis of a total gross weekly remuneration of €660 per week being a total sum of €68 640 in respect of the claim under the Unfair Dismissals Acts 1977 to 2007. The Tribunal finds that the appellant was

dismissed without being afforded minimum notice and awards to the appellant 6 weeks remuneration calculated on the basis of a total gross weekly remuneration of €660 per week being a total sum of €3 960 in respect of the claim under the Minimum Notice and Terms of Employment Acts, 1973 to 2005. The Tribunal awards to the claimant the equivalent to 2 weeks remuneration calculated on the basis of a total gross weekly remuneration of €660 per week being a total sum of €1 320 in respect of the claim under the Organisation of Working Time Act 1997.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)