

## EMPLOYMENT APPEALS TRIBUNAL

CLAIMS OF:  
EMPLOYEE – *claimant*

CASE NOS.  
MN360/2009  
WT158/2009

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: Ms. C. Gleeson BL

Members: Mr. J. Horan  
Ms. N. Greene

heard this claim at Dublin on 24th September 2009

Representation:

Claimants: In person

Respondent: In person

#### **Claimant's Case**

She worked as a hairdresser for the respondent. Her agreed rate of pay was more than that quoted in her contract. On 24 January 2009 the respondent told her to finish up. There was no argument. No customer complained that day. She did not walk out.

She was paid €200.00 in cash the day she finished up. It was in April that she got her P.45 and some more money.

#### **Respondent's Case**

On the day the claimant left there was a problem. A customer asked for black colour in her hair. But the roots ended up red. He told the claimant that this is not the way to work, half red and half black is not good. The customer and her daughter have not come back. The claimant was upset and shouted at him. She said 'I am leaving'. He paid her €200.00 in holiday pay. He did not tell her to leave but neither did he try to keep her.

He sent her the balance of her holiday pay with her P.45.

**Determination**

The Tribunal is satisfied that the claimant was paid her holiday pay. Accordingly the claim under the Organisation of Working Time Act, 1997 fails.

The Tribunal finds that the termination of the claimant's employment was not a dismissal. Therefore the claim under the Minimum Notice and Terms of Employment Acts, 1973 to 2005 fails.

Sealed with the Seal of the  
Employment Appeals Tribunal

This \_\_\_\_\_

(Sgd.) \_\_\_\_\_  
(CHAIRMAN)