

EMPLOYMENT APPEALS TRIBUNAL

CLAIM OF:
EMPLOYEE (Claimant)

CASE NO.
MN704/2009

against
EMPLOYER (Respondent)

under

MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2005

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr. S. Ó Riordáin B.L.

Members: Mr. J. Hennessy

Mr. J. Dorney

heard this appeal at Carlow on 12th November 2009

Representation:

Claimant: In person

Respondent: No appearance or representation

The decision of the Tribunal was as follows:

The claimant commenced employment with the respondent in June 2003. The claimant was absent on sick leave from July 2006 and remained on sick leave thereafter. The respondent subsequently entered into liquidation in August 2008.

Determination:

As the claimant was still on sick leave when the respondent entered into liquidation, the claimant was not available for work during the notice period. In such circumstances the claimant suffered no loss. Accordingly, the Tribunal finds that the claim under the Minimum Notice and Terms of Employment Acts, 1973 to 2005, must fail.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)