

## EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:

CASE NO.

EMPLOYEE

UD404/2009

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

under

UNFAIR DISMISSALS ACTS, 1977 TO 2007

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Ms. M. Levey

Members: Mr. J. Reid

Mr. N. Broughall

heard this appeal at Dublin on 19th October 2009

Representation:

\_\_\_\_\_

Appellant(s) :

Ms Barbara Mebtouche, Triana, Independent Advice &  
Information Bureau, 13 Store Street, Dublin 1

Respondent(s) :

In person

The determination of the Tribunal was as follows:-

This case came to the tribunal as an appeal by the employee against the recommendation of the Rights Commissioner (r-066607-ud-08/TB). The Rights Commissioner found that the Appellant was not unfairly dismissed.

### **Respondent's Case**

The Appellant's supervisor alleged that he had been assaulted by the Appellant at his place of work and had sent the appellant home and advised the owner of what had happened. He also stated that he was in fear of being further attacked by the Appellant and reported the matter to the Gardai.

The owner of the company stated that he had tried to reconcile the differences between the two men but the appellant refused to engage in any such reconciliation. Consequently the owner held that he had no choice but to dismiss the Appellant.

**Appellant's Case**

The Appellant alleged that on the day in question his supervisor had been verbally abusive to him and had told him he was fired. The Appellant also denied that he had assaulted his supervisor.

Having adduced the evidence the Tribunal finds that the Appellant was not unfairly dismissed and upholds the Rights Commissioner's recommendation.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

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

