

## EMPLOYMENT APPEALS TRIBUNAL

CLAIM(S) OF:

CASE NO.

EMPLOYEE

UD1312/2008

**claimant**

against

EMPLOYER

**respondent**

under

### UNFAIR DISMISSALS ACTS, 1977 TO 2007

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Mr M. O'Connell B.L.

Members: Mr. A. O'Mara  
Mr A. Butler

heard this claim at Dublin on 8th January 2010

Representation:

\_\_\_\_\_

Claimant(s): Mr. Bernard Gogarty, Smyth & Son, Solicitors, 30 Magdalene  
Street, Drogheda, Co. Louth

Respondent(s): No representation or attendance by or on behalf of the respondent

The determination of the Tribunal was as follows:-

#### **Determination**

The Tribunal note that despite being notified the liquidator or a person on his behalf failed to appear at the hearing.

The Tribunal in the absence of evidence from the respondent heard that the claimant had worked with the respondent for a period of nineteen months and that in and around 28 September 2008 he failed to attend work because he had a chest infection. He claimed that prior to that he had a good relationship with his employer. The Tribunal noted that there was no disciplinary procedure in place or grievance procedures. Neither a verbal nor a written warning was given. Instead the claimant was informed on 28 September 2008 that his employment had ceased and that no notice was being given. The Tribunal decides in the circumstances that the dismissal was unfair and having been given evidence that the claimant had sought employment from several potential employers in the restaurant sector awards the claimant compensation of €20,000 under the Unfair

Dismissals Acts, 1977 to 2007.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

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

