

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:
EMPLOYEE – appellant

CASE NO.
UD401/2009

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

EMPLOYER - respondent

under

UNFAIR DISMISSALS ACTS, 1977 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr T Ryan

Members: Mr F Cunneen
Mr G Whyte

heard this appeal at Dublin on 7th October 2009

Representation:

Appellant(s): Mr Blazej Nowak
Polish Consultancy Enterprise, 19 Talbot Street, Dublin 1

Respondent(s): In person

This case came before the Tribunal by way of an employee appealing the decision of a Rights Commissioner ref: (r-065514-ud-08/EH).

The determination of the Tribunal was as follows:

The appellant stated that his employer dismissed him on the 23rd May 2008, when the employer believed that the appellant was setting up his own business. The appellant stated that he intended to set up his own business in the future, but that it had not yet happened. The appellant was employed from June 2004 until May 2008 as a foreman. The respondent requested that the appellant bring a letter to him stating that the appellant had resigned, which the appellant did not do.

The respondent company ceased trading in September 2008 and the appellant contended that due to his dismissal he had lost out on a redundancy payment. The appellant was appealing the decision of the Rights Commissioner, as he was not satisfied with the sum of compensation.

A representative from the liquidator appeared on behalf of the respondent company. The representative agreed with the facts of the case as set out by the Rights Commissioner, but contested the sum of compensation awarded. The respondent representative could not offer any counter evidence.

Determination:

Having heard the evidence adduced the Tribunal upholds the decision of the Rights Commissioner ref: (r-065514-ud-08/EH), and awards the appellant €5,500.00 (five thousand, five hundred euro).

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)