

EMPLOYMENT APPEALS TRIBUNAL

CLAIM(S) OF:
EMPLOYEE

CASE NO.
UD480/2008

against

EMPLOYER

under

UNFAIR DISMISSALS ACTS, 1977 TO 2001

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr. P. O'Leary B.L.

Members: Mr. M. Murphy
Mr. B. McKenna

heard this claim at Navan on 23rd September 2008
and 26th November 2008

Representation:

Claimant(s): Ms. Mary Paula Guinness B.L. instructed by Mr. Patrick Power, Bernard L. Gauhran & Co., Solicitors, Broomfield Business Park, Malahide, Co. Dublin

Respondent(s): Ms. Cliona Kimber B.L. instructed by Ms, Deborah Leonard, Noonan & Son, Solicitors, 2 Bedford Place, Navan, Co. Meath

The determination of the Tribunal was as follows:-

Opening arguments:

At the outset of the hearing, the respondent's representative raised issues with the salary details as set out on the claimant's T1-A form (*Notice of Appeal*). The respondent's representative submitted that the correct gross weekly wage of the claimant had been €396.50.

The claimant's representative submitted that the correct figure for the gross weekly wage of her client was €420.00, which included bonuses, commissions, travel expenses and substance allowances. The claimant's representative confirmed that commissions on mortgage referrals in the amount of €160.00 tax-free vouchers per quarter had been paid to the claimant.

Documentation was also opened to the Tribunal at the commencement of the hearing. The respondent's representative made reference to one of the submissions and in particular to the

contract of employment between the claimant and her new employer; such new employment began on 8 April 2008. In same was specified that she would be in receipt of a salary of €1500.00 net per month including mileage. Reference was also made to a copy of a payslip which indicated a gross wage of €1130.76 and which was written thereon “mileage = €450”.

The claimant’s representative confirmed that no rate per mile was being paid to the claimant by her new employer but she was in receipt of €450.00 per month irrespective of how many miles are travelled. Replying to a Tribunal query, the claimant confirmed that €1500.00 goes in to her bank account each month in respect of salary from her new employer.

Respondent’s case

Michael Farrelly (for respondent) sworn. No evidence heard.

To resume Wednesday 26 November 2008 @10.30 am (Full day)

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)