

EMPLOYMENT APPEALS TRIBUNAL

CLAIMS OF:

CASE NO.

EMPLOYEE

UD796/2009
MN819/2009

against
EMPLOYER

under

**MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2005
UNFAIR DISMISSALS ACTS, 1977 TO 2007**

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms B. Glynn
Members: Mr. B. O'Carroll
Mr J. Le Cumbre

heard this claim at Athlone on 12th November 2009

Representation:

Claimant(s) :

Ms. Gemma Trautt, Farrell & Partners, Solicitors, O'Connor Square, Tullamore, Co. Offaly

Respondent(s) :

No appearance by or on behalf of the respondent.

There was an unexplained absence of the respondent at the hearing. The Tribunal is satisfied that the respondent was properly notified of the hearing.

The determination of the Tribunal was as follows:-

Claimant's case

The claimant stated that his Father had contracted the respondent to carry out work for him and that a dispute had arisen between the parties to said contract.

It was alleged that as a direct result of this dispute the claimant was asked by the respondent to resign from his position. Allegedly the claimant refused to resign and was subsequently dismissed.

The claimant agreed that he was paid for the period of notice.

Having adduced the uncontested evidence of the claimant the Tribunal finds that he was unfairly dismissed under the terms of the Unfair Dismissals Acts, 1977 to 2007 and taking into account his efforts to mitigate his loss awards him €45,732.56.

The Tribunal finds that the claim under the Minimum Notice And Terms Of Employment acts, 1973 to 2005 fails as the claimant was paid notice in accordance with said acts.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

