

EMPLOYMENT APPEALS TRIBUNAL

CLAIM(S) OF:
EMPLOYEE

–Claimant

CASE NO.
UD486/2009
MN509/2009

against
EMPLOYER

- Respondent

under

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

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr. T. Taaffe

Members: Mr. J. Browne
Mr. A. Butler

heard this claim at Wexford on 16th February 2010

Representation:

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

Respondent: No appearance or representation on behalf of the respondent.

The determination of the Tribunal was as follows:

The Tribunal is satisfied that a notice of hearing was served on the respondent's registered office. Neither the respondent nor a representative on its behalf attended at the designated time for the hearing.

Claimant's Case:

The claimant gave evidence with the assistance of a Tribunal appointed translator.

It was the claimant's case that he commenced employment on the 24th May 2005. The claimant and some of his colleagues went to Poland on holidays in December 2008. They were due to return to work towards the end of January 2009. When the claimant attended for work on the 24th January 2009, the manager informed him that he was dismissed, as no further work was available. The claimant was not on notice of a redundancy situation prior to his holidays in December 2008. The claimant stated that while he was dismissed from his position without notice on the 24th January

2009, other employees with shorter service than him were retained in their employment with the respondent.

The claimant outlined to the Tribunal the extent to which he sought other work after his dismissal. The claimant stated that he had applied for positions in Ireland before moving to Poland in June 2009, where he also sought alternative employment. However, the claimant was unsuccessful in obtaining alternative employment in either Ireland or Poland. The claimant did not have documentary evidence of his efforts to secure new employment.

Determination:

In the absence of any rebuttal evidence from the respondent, the Tribunal accepts the evidence of the claimant that the respondent breached proper procedures in terminating his employment and therefore unfairly dismissed him.

The Tribunal notes the failure of the claimant to furnish to the hearing any supporting documentation to substantiate his evidence in respect of his efforts to obtain alternative employment. The Tribunal finds that an award under the Unfair Dismissals Acts, 1977 to 2007, in the sum of €12,000.00 to be appropriate in all the circumstances.

The Tribunal finds that the claimant is entitled to succeed in his claim under the Minimum Notice and Terms of Employment Acts, 1973 to 2005, and awards the claimant the sum of €750.00 (being the equivalent of one week's gross pay).

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)