

**EMPLOYMENT APPEALS TRIBUNAL**

CLAIM(S) OF:

CASE NO.

EMPLOYEE

UD1204/2009

Against

EMPLOYER  
under

**UNFAIR DISMISSALS ACTS, 1977 TO 2007**

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Mr R. Maguire, B.L.

Members: Mr P. Pierson  
Mr P. Trehy

heard this claim at Mullingar on 30th March 2010

Representation:

\_\_\_\_\_

Claimant:

Kelly Caulfield Shaw, Solicitors, 1 Chapterhouse,  
Friars Mill Road, Mullingar, Co Westmeath

Respondent:

Mr Aidan Mc Grath, DAS, 12 Duke Lane, Dublin 2

The determination of the Tribunal was as follows:-

The Tribunal are satisfied that a redundancy situation did exist within the respondent company at the time of termination of the claimant's employment. However having considered the evidence presented to it the Tribunal is not satisfied that the claimant was fairly selected for redundancy.

The selection process was not transparent and did not adhere to fair procedure. The claimant was not informed at the time about the selection criteria used and was not given an opportunity to have an input into the selection process.

Therefore the Tribunal finds that the claimant was unfairly dismissed and awards him €13,000.00

under the Unfair Dismissals Acts, 1977 to 2007. In making this award the Tribunal took account of any payment already made by the respondent to the claimant and efforts made by the claimant to mitigate his loss

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

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

