

EMPLOYMENT APPEALS TRIBUNAL

CLAIMS OF:

CASE NO.

EMPLOYEE
- **claimant**

MN1910/2009
UD2039/2009

against

EMPLOYER
EMPLOYER
- **respondent**

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: Mr R. Maguire, B.L.

Members: Mr W. Power
Mr M. O'Reilly

heard this claim at Dublin on 8th April 2010

Representation:

Claimant :

Ms Audrey Coen, B.L., instructed by John O'Leary & Company,
Solicitors, Millenium House, Main Street, Tallaght, Dublin 24

Respondent :

Not present or represented

The Determination of the Tribunal was as follows:

Claimant's case:

The claimant commenced her employment with the respondent on 14th August 2007.

The claimant's duty was to ensure the effective running of the company. Her contract specified working hours from 9am to 6pm however on many occasions she worked to 8pm. The respondent had other offices outside of Ireland, in the U.K. and Netherlands and on occasions the claimant

worked in these offices also. There were no complaints about her work. There were a series of incidents involving the wrongful withholding of monies which was brought to the attention of the managing director by the claimant.

Without warning on 27th February 2009 she was told she was not getting on with her boss, the managing director, that they could not move forward together, and that she was to finish work that day. The claimant asked for a letter of dismissal and a reference. She was told to write her own reference which she was not comfortable with and she did not subsequently receive one. She obtained a job with a linked company at a similar level in August 2009.

Determination:

There were no procedures in place and the claimant was not properly informed of her dismissal. There were no complaints about her work.

The Tribunal is unanimous that the claimant was unfairly dismissed and it awards her the sum of €8,000 under the Unfair Dismissals Acts, 1977 to 2007. The claimant is also entitled to compensation in the sum of €400 under the Minimum Notice and Terms of Employment Acts, 1973 to 2005.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

