

EMPLOYMENT APPEALS TRIBUNAL

CLAIM OF:
EMPLOYEE

CASE NO.
UD1565/2009, RP1764/2009
MN1544/2009, WT663/2009

against

EMPLOYER
under

UNFAIR DISMISSALS ACTS, 1977 TO 2007
REDUNDANCY PAYMENTS ACTS, 1967 TO 2007
MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2005
ORGANISATION OF WORKING TIME ACT, 1997

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms F. Crawford B.L.

Members: Mr G. Andrews
Ms M. Finnerty

heard this claim at Dublin on 10th June 2010

Representation:

Claimant : Mr Darach MacNamara B L instructed by
Fitzgerald & Company, Solicitors, 16 Harcourt Street, Dublin 2

Respondent : No representation listed

The Tribunal is satisfied that the respondents were properly notified of this hearing. The Tribunal is also satisfied that the Company is still on the Companies Register. The Tribunal heard evidence of a recent Companies Registration Office search from May 2010 showing on the Register and evidence from the Applicant that she was in contact with a fellow past employee and that the company was still trading.

Neither the respondents nor representatives on their behalf appeared for this hearing.

The appeal under the Redundancy Payments Acts, 1967 to 2007 was withdrawn at the outset of this hearing.

Claimant's Case

The claimant who worked as a senior writer with the respondents commenced employment with those companies in early January 2007. She received notice of the termination of her employment on 22 December 2008 and that employment came to an end on 31 December 2008. At all times during that employment her status was that of an employee.

The Claimant also gave evidence of all efforts to find employment following the termination in December 2008 and gave details as to any payments received within that period. The Claimant also gave evidence that she has been employed since the 26th April 2010 but that her income from her current employment is substantially less than that she was receiving from the Respondent.

Respondent's Case

No evidence adduced.

Determination

Having heard and carefully considered the uncontested evidence of the claimant the Tribunal is satisfied she was an employee of the respondents. In the absence of any objective substantial grounds justifying the claimant's cessation of employment the Tribunal finds her dismissal was unfair. The claim under the Unfair Dismissals Acts, 1977 to 2007 succeeds and the claimant is awarded €67,840.14 as compensation under those Acts. The said amount includes an amount of €7,000.00 in respect of continued loss given the reduction in remuneration in her new employment.

The appeal under the Organisation of Working Time Act, 1997 is allowed and the appellant is awarded €2,608.85 as compensation for outstanding holiday entitlements.

The appeal under the Minimum Notice and Terms of Employment Acts, 1973 to 2005 fails, as it was her evidence she received her statutory entitlement under those Acts.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

