

EMPLOYMENT APPEALS TRIBUNAL

CLAIM OF:
EMPLOYEE
- *claimant*

CASE NO.
UD1464/2009
MN1441/2009
WT622/2009

Against

EMPLOYER
- *respondent*

under

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

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr. P. O'Leary B L

Members: Mr D. Moore
Mr. J. Dorney

heard this claim at Dublin on 19th July 2010

Representation:

Claimant: In Person

Respondent: No appearance or representation

The determination of the Tribunal was as follows:-

The Tribunal is satisfied that the respondent was properly notified of the hearing. Neither the respondent nor a representative on it's behalf appeared for this case.

Claimant's Case

The claimant told the Tribunal that he was dismissed because he did not provide his employer with a PSA license.

The claimant told the Tribunal that he worked for the respondent for a period of one year and three months. During that time the claimant did not receive his holiday entitlement or payment as per the Organisation of Working Time Act, 1997.

The claimant's employment with the respondent ceased on 28th February 2009. The claimant did not receive notice of his dismissal.

The claimant provided payslips to the Tribunal, which showed an average weekly wage of €507.44.

Determination

The claimant acknowledged that he did not produce a PSA license to his employer. A requirement of a security officer position is that they hold a current PSA license. In the circumstances the employer had to act within the law and cease to employ the claimant. Therefore, the claim under the Unfair Dismissals Acts, 1977 to 2007 must fail.

Having considered the uncontested evidence presented by the claimant, the Tribunal determines that the claimant did not receive notice. Accordingly, the Tribunal awards the claimant the sum of €507.44 as compensation in lieu of notice.

The Tribunal awards the claimant €2029.76, arrears of holiday pay under the Organisation of Working Time Act 1977.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

