

EMPLOYMENT APPEALS TRIBUNAL

CLAIMS OF:
EMPLOYEE
-appellant
Against

CASE NO.
MN1695/2009
WT735/2009

EMPLOYER *-respondent*

under

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: Mr. J. Sheedy

Members: Ms M. Sweeney
Mr. J. Flavin

heard this claim at Tralee on 4th June 2010

Representation:

Appellant: Ms Fiona Lally, Patrick Mann & Co. Solicitors, 24-27 Ashe Street, Tralee,
Co. Kerry

Respondent: In Person

The decision of the Tribunal was as follows:-

Appellant's Case

The appellant commenced employment on the 15th March 2006. On the 5th of December 2007 the appellant went home to Poland on holidays. The respondent informed him that work was very quiet so he could take longer holidays if he wished but it should pick up after Christmas. After 4 weeks the appellant returned and contacted the respondent through his friend to say he was ready to return to work. The appellant's friend informed him that he had his P45 for him from the respondent. That was the appellant's only contact with the respondent.

Respondent's Case

The respondent does not dispute the appellant's evidence. Due to a fire on the respondent's premises there are no employment records for the appellant.

Determination

The Tribunal find that the appellant did not receive his minimum notice entitlement and award him €512.00 being the equivalent to one weeks notice under the Minimum Notice and Terms of Employment Acts, 1973 to 2005.

The Tribunal finds that the appeal under the Organisation of Working Time Act, 1997 fails.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)