

EMPLOYMENT APPEALS TRIBUNAL

APPEALS OF:

CASE NO.

EMPLOYEE

RP2516/2009
MN2065/2009

against

EMPLOYER

under

**MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2005
REDUNDANCY PAYMENTS ACTS, 1967 TO 2007**

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr E. Murray
Members: Mr. P. Casey
Mr J. Flavin

heard this appeal at Cork on 26th July 2010

Representation:

Appellant(s) :

Mr Jan Jaroslaw Potocki, Polish English Translation,
"Pilawa", Office 19, 21-23 Oliver Plunkett Street, Cork

Respondent(s) :

Mr. Stephen Sands, Construction Industry Federation,
Construction House, Canal Road, Dublin 6

The decision of the Tribunal was as follows:-

The respondent stated that the appellant was never employed by him.

The appellant claimed that he was engaged by an employment agency while still living in Poland. He then moved to Ireland and initially worked for the agency but later became a direct employee of a sub contractor working on the site at which the respondent was the main contractor. However he was not directly employed by the respondent and documents submitted to the Tribunal indicated that he was in fact employed by someone other than the respondent.

Determination

This appeal is dismissed on the basis that the Tribunal is not satisfied that the appellant has reached the required standard of proof that he was in fact employed by the respondent.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

