

EMPLOYMENT APPEALS TRIBUNAL

CLAIM(S) OF:
EMPLOYEE - claimant

CASE NO.
UD849/2009
MN888/2009
WT374/2009

against

EMPLOYER -respondent

under

**UNFAIR DISMISSALS ACTS, 1977 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: Mr. J. O'Connor

Members: Mr. P. Casey
Mr. D. McEvoy

heard these claims in Killarney on 29 April 2010

Representation:

Claimant:

Mr. Coman Larkin, Downing Courtney & Larkin, Solicitors,
84 New Street,
Killarney,
Co. Kerry

Respondent:

Mr. Chris O'Donovan, IBEC,
Regional Director's Office,
Gardner House,
Charlotte Quay,
Limerick

The determination of the Tribunal was as follows:-

The claim form stated that the claimant was making claims under unfair dismissal, minimum notice and working time legislation. It added that full particulars of the claim would be detailed at the hearing.

The respondent's notice of appearance stated that the claimant's employment had been terminated following disciplinary procedures in accordance with proper procedures. It added that the claimant's employment had been terminated as a result of persistent performance and attendance issues which had been properly addressed with her during the course of her employment. It was also contended that all of the claimant's entitlements under minimum notice and working time legislation had been properly administered by the respondent. The respondent reserved the right to adduce evidence at the hearing.

When the claimant did not attend the hearing the respondent's representative said that his side refused consent for the case to be re-listed for another day given that adequate notice had been given of the date of the hearing and his side had prepared its witnesses for the hearing.

Determination:

Although the claimant's representative did attend the hearing and did all he could to facilitate its going ahead the Tribunal considers that there was an onus on the claimant to inform the Tribunal of any change of address so that she could receive the hearing notice in good time. Given that the respondent took the trouble to prepare witnesses for the hearing the Tribunal declines to re-list the case.

The Tribunal dismisses the claims under the Unfair Dismissals Acts, 1977 to 2007, the Minimum Notice and Terms of Employment Acts, 1973 to 2005, and the Organisation of Working Time Act, 1997.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)