

EMPLOYMENT APPEALS TRIBUNAL

CLAIM OF:
EMPLOYEE

CASE NO.
UD1729/2009, RP1931/2009
MN1668/2009

against

under

UNFAIR DISMISSALS ACTS, 1977 TO 2007
REDUNDANCY PAYMENTS ACTS, 1967 TO 2007
MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2005

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms N. O'Carroll-Kelly B L

Members: Mr. J. O'Neill
Mr. J. Dorney

heard this claim at Dublin on 7th September 2010

Representation:

Claimant : Ms Mary Paula Guinness B L instructed by
Moroney Barron, Solicitors, 13 Raheny Shopping Centre, Dublin 5

Respondent : No representation listed

The determination of the Tribunal was as follows:

The Tribunal is satisfied that the respondent was properly notified of this hearing.
Neither the company nor a representative on its behalf appeared for this hearing.

Claimant's case

The claimant commenced employment with the respondent as a security officer in June 2006. He told the Tribunal that on returning from holidays in July 2009 he received a letter from the respondent's general manager informing him that the company had no further employment for him. The witness indicated that staff were being transferred to another entity at that time but that he was not invited to transfer. His P45 was enclosed in that letter.

Respondent's Case

No evidence adduced.

Determination

Having considered the uncontested evidence and documentation in this case the Tribunal finds that the claimant was unfairly dismissed. The respondent's action in terminating the claimant's employment was arbitrary, ill-considered and contrary to best practice and natural justice. In allowing the claim under the Unfair Dismissal Acts, 1977 to 2007 the Tribunal awards him €10,778.29 as compensation under those Acts.

The appeal under the Minimum Notice and Terms of Employment Acts, 1973 to 2005 succeeds and the appellants is awarded €600.00 as compensation for his notice entitlement.

As the claimant has been declared unfairly dismissed it follows that the appeal under the Redundancy Payments Acts, 1967 to 200 must fall.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

