

**EMPLOYMENT APPEALS TRIBUNAL**

CLAIM OF:  
EMPLOYEE *-claimant*

CASE NO:  
UD1016/2009  
MN1031/2009

against

EMPLOYER *-respondent*

Under

**UNFAIR DISMISSALS ACTS, 1977 TO 2007  
MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2005**

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Ms K. T. O'Mahony

Members: Mr. P. Casey  
Mr. J. Flavin

heard this appeal in Cork on 26<sup>th</sup> August 2010

**Representation:**

Claimant: Mr. Noel Murphy, Independent Workers Union, Head Office, 55 North  
Main Street, Cork

Respondent: In Person

The claim under the Unfair Dismissals Acts, 1977 to 2007 was withdrawn at the outset.

**Determination**

The claimant was unfit and unavailable for work as a result of an accident in the workplace and therefore is not entitled to pay in lieu of notice. Accordingly the Tribunal finds that the claim under the Minimum Notice and Terms of Employment Acts, 1973 to 2005 fails.

Sealed with the Seal of the  
Employment Appeals Tribunal

This \_\_\_\_\_

(Sgd.) \_\_\_\_\_  
(CHAIRMAN)