

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:

CASE NO.

EMPLOYEE - *appellant*

MN2242/2009

against

EMPLOYER - *respondent*

under

MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2005

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr M. Gilvarry

Members: Mr. D. Morrison
Mr T. Gill

heard this appeal at Castlebar on 5th November 2010

Representation:

Appellant(s) : Ms Mary Sweeney, Roscommon Citizens Information Centre,
17-18 Castle View, Castle Street, Roscommon

Respondent(s) : In Person

Determination

The Tribunal heard conflicting evidence from the parties concerning the issuing of notice of the appellant's termination of employment. The respondent contended that notice of termination of employment was given to the appellant in writing along with his wages on 10 October 2008. A fellow worker confirmed that he received four weeks notice on 10 October 2008. The appellant gave evidence that he did not receive this notice and confirmed that he remained in employment until 7 November 2008. He reported for work as normal on 10 November 2008 when he was told by his employer that there was no more work for him.

Documentary evidence was produced to the Tribunal indicating that the appellant's date of cessation of employment was 26 January 2009. This evidence was in the form of a P45 which was amongst a number of documents sent by the respondent to the appellant.

Based on the evidence before it the Tribunal determines that, on the balance of probabilities notice was served to the appellant on 10 October 2008 in accordance with the Minimum Notice and Terms of Employment Acts 1973 to 2005. Accordingly the claim under the said Act fails and is hereby dismissed.

Sealed with the Seal of the
Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

