

EMPLOYMENT APPEALS TRIBUNAL

CLAIMS OF:

CASE NO.

EMPLOYEE – **Claimant**

UD2056/2009

against

MN1925/2009

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: Mr. P. O’Leary B.L.

Members: Mr. T. O’Grady
Mr. F. Barry

heard these claims at Dublin on 30 November 2010

Representation:

Claimants:

Mr. Declan Wade B.L. instructed by Mr. Neil Maguire,
Maguire & McErlean Solicitors, 78 Drumcondra Road Upper,
Dublin 9

Respondent:

No appearance by, or representation on behalf of the respondent

The determination of the Tribunal was as follows:

Determination:

The Tribunal, being satisfied that the respondent was properly on notice of the hearing, finds, based on the uncontroverted evidence of the claimant, that the claimant was constructively dismissed by reason of the failure of the respondent to pay the claimant’s full and proper contractual entitlement to wages. Taking into account the fact that the claimant, having now found alternative employment, is at an ongoing loss the Tribunal awards €60,000-00 under the Unfair Dismissals Acts, 1977 to 2007.

In a claim of constructive dismissal a claim under the Minimum Notice and Terms of Employment Acts, 1973 to 2005 does not arise.

Sealed with the Seal of the
Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)