

EMPLOYMENT APPEALS TRIBUNAL

CLAIM OF:

CASE NO.

EMPLOYEE

UD1745/09

MN1679/09

- claimant

WT723/09

against

EMPLOYER

- respondent

under

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

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr. D. MacCarthy S.C.

Members: Mr. M. Noone
Mr. J. Flannery

heard this claim at Wicklow on 20th December 2010.

Representation:

Appellant: In person.

Respondent: No appearance by or on behalf of the respondent

The decision of the Tribunal was as follows:-

Claimant's Case:

The claimant commenced employment on 26th October 2004. The respondent had trusted him during his tenure and given him keys to lock up the premises after work. He had no problems at work.

On 12th May 2009 RO'C (a Quantity Surveyor) working for the respondent told the claimant his employment was terminated. RO'C was acting on the instructions of Director GS. Later

he claimant telephoned GS to find out why he was being let go. GS said he was responsible for pouring concrete into a cooling system.

Determination:

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

Section 6(1) of the Unfair Dismissals Act, 1977 states:

“Subject to the provisions of this section, the dismissal of an employee shall be deemed, for the purposes of this Act, to be an unfair dismissal unless, having regard to all the circumstances, there were substantial grounds justifying the dismissal”.

No substantial grounds justifying the dismissal were shown by the respondent.

Based on the claimant’s uncontested evidence, the Tribunal is satisfied that he was unfairly dismissed and awards him €9150.00 under the Unfair Dismissals Acts, 1977 to 2007. The Tribunal also awards the claimant €1218.00 being the equivalent of two weeks notice under the Minimum Notice and Terms of Employment Acts, 1973 to 2005.

As no evidence was adduced to substantiate the claim under the Organisation of Working Time Act, 1977 the said claim fails.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)