

EMPLOYMENT APPEALS TRIBUNAL

CLAIM(S) OF:
EMPLOYEE

- *claimant*

CASE NO.

MN1787/2009

UD1898/2009

WT794/2009

against

EMPLOYER - *respondent*

under

MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2005 ORGANISATION OF WORKING TIME ACT, 1997 UNFAIR DISMISSALS ACTS, 1977 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms N. O'Carroll-Kelly BL

Members: Mr M. Noone
Mr A. Butler

heard this claim at Wicklow on 27th January 2011

Representation:

Claimant(s) : In Person

Respondent(s) : Mr. John Barry, Management Support Services (Ireland)
Limited, The Courtyard, Hill Street, Dublin 1

Preliminary Point

At the commencement of the hearing the claimant withdrew his claims under the Unfair Dismissals Acts 1977 to 2007 and the Organisation of Working Time Act 1997. It emerged that the claim under the Unfair Dismissals Acts had been adjudicated on by a Rights Commissioner and that recommendation is now being appealed to the Employment Appeals Tribunal by the claimant. The claim under the Organisation of Working Time Act was also adjudicated on by the Rights Commissioner and the Tribunal was told by the claimant that this decision was appealed to the Labour Court. Consequently the claim under the Minimum Notice and Terms of Employment Acts 1973 to 2005 remained for adjudication by this Tribunal.

Determination

In light of the evidence presented to the Tribunal in relation to the claimant's appeal against the recommendation/decision of the Rights Commissioner under the Unfair Dismissals Acts, the Payment of Wages Act and the Terms of Employment (Information) Act: Ref: UD1138.10; PW154.10; TE145.10 the Tribunal determines that the claim under the Minimum Notice and Terms of Employment Acts 1973 to 2005 fails as the Tribunal finds that the claimant brought about the termination of his own employment.

Sealed with the Seal of the
Employment Appeals Tribunal

This _____
(Sgd.) _____
(CHAIRMAN)

