

EMPLOYMENT APPEALS TRIBUNAL

CLAIM OF:**CASE NO.**

EMPLOYEE

UD2167/09

- claimant

Against

EMPLOYER

- respondent

under**UNFAIR DISMISSALS ACTS, 1977 TO 2007**

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr. D. Mac Carthy SC

Members: Mr M. Noone
Mr A. Butler

heard this claim at Wicklow on 17th February 2011.

Representation:

Claimant: In person.

Respondent: No appearance by or on behalf of the respondent.

The determination of the Tribunal was as follows:-

Determination:

The Tribunal was satisfied that the notice of hearing was properly served on the respondent, who failed to appear, and the hearing proceeded.

Under Section 6(1) of the Unfair Dismissals Acts, 1977 a dismissal is deemed to be unfair unless there were substantial grounds justifying the dismissal. Section 6(6) provides that it shall be for the employer to show such a substantial ground. As the respondent did not attend the hearing the Tribunal did, however, address the redundancy defence set out in Form T2. The claimant disputed this alleged ground and produced evidence that the funding was not discontinued in the manner described.

Under the Act, the Tribunal deemed the dismissal to be unfair.

The claimant did not seek full compensation, and confined her claim to the measure of her loss of

contractual maternity leave pay for 26 weeks. This amounts to €17,459.00. Against this sum the Tribunal allows the respondent a credit of €7,280.00, the amount of statutory maternity benefit, which she received from the Department.

The Tribunal awards the claimant €10,179.00 under the Unfair Dismissals Acts, 1977 to 2007.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)