

## EMPLOYMENT APPEALS TRIBUNAL

**APPEAL OF:****CASE NO.**

EMPLOYEE

UD1381/2009

- appellant

against the recommendation of the Rights Commissioner in the case of:

EMPLOYER

- respondent

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

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Ms V. Gates BL

Members: Mr D. Moore  
Mr. S. O'Donnellheard this appeal at Dublin on 24<sup>th</sup> June 2010 and 28<sup>th</sup> February 2011.**Representation:**

Appellant: Mr. Pat O'Donoghue, Migrant Information Centre Ireland, 55  
Parnell Square West, Dublin 1  
On 24<sup>th</sup> June 2010  
Noel G. McArdle & Co., Solicitors, Shankill Business Centre, Station Road,  
Dublin 18  
On 28<sup>th</sup> February 2011

Respondent: No appearance by or on behalf of the respondent

The determination of the Tribunal was as follows:-

This appeal came before the Tribunal by way of the employee (the appellant) appealing against the recommendation of the Rights Commissioner under the Unfair Dismissals Acts, 1977 to 2007 (ref. r-070993-ud-08/EH).

**Determination:**

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

“In determining for the purposes of this Act whether the dismissal of an employee was an unfair dismissal or not, it shall be for the employer to show that the dismissal resulted wholly or mainly from one or more of the matters specified in subsection (4) of this section

or that there were other substantial grounds justifying the dismissal”.

As there was no appearance by or on behalf of the liquidator the appeal under the Unfair Dismissals Acts, 1977 to 2007 succeeds.

The Tribunal upsets the Rights Commissioner recommendation and awards the appellant €2160.00 under the Unfair Dismissals Acts, 1977 to 2007.

Sealed with the Seal of the  
Employment Appeals Tribunal

This \_\_\_\_\_

(Sgd.) \_\_\_\_\_  
(CHAIRMAN)