

EMPLOYMENT APPEALS TRIBUNAL

CLAIMS OF:

CASE NO.

EMPLOYEE

UD1980/2009

RP2233/2009

MN1866/2009

WT837/2009

against

EMPLOYER

EMPLOYER

EMPLOYER

under

**MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2005
ORGANISATION OF WORKING TIME ACT, 1997
REDUNDANCY PAYMENTS ACTS, 1967 TO 2007
UNFAIR DISMISSALS ACTS, 1977 TO 2007**

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr. C. Corcoran B.L.

Members: Mr. M. Flood

Mr. A. Butler

heard this claim at Dublin on 24th November 2010

Representation:

Claimant:

Ms. Fiona Roche, Roche & Co., Solicitors, 34 Vevay Road,
Bray, Co. Wicklow

Respondents:

No appearance by or on behalf of the respondents

The determination of the Tribunal was as follows:-

There was no appearance by or on behalf of the respondents. The Tribunal is satisfied that the respondents had been properly notified of the hearing.

Claimant's case

The claimant is a Mechanical Engineer and was Chief Executive Officer and of all three respondent companies. The claimant had been tasked with restructuring the

company as part of this was responsible for overseeing a number of redundancies. However he was taken completely by surprise when he received an e mail on 3rd November informing him that all staff, including himself were to be temporarily laid off.

The claimant was on temporary lay off following this e mail until he was issued with an R50 and P45 in December 2008. A former colleague, whom the claimant regarded as not having the authority to do, so issued these documents to the claimant. Subsequently in or about June 2009 the claimant discovered that the aforementioned former colleague was now doing the claimant's job and that other former colleagues also continued to be employed by the respondents.

The claimant stated that he was owed 46 days holidays and had not been given notice of termination of employment

Determination

Having considered the uncontested evidence of the claimant the Tribunal are satisfied that the claimant was unfairly dismissed from his employment with the respondents. Having regard to all the circumstances of this case including the claimant's efforts to mitigate his loss the Tribunal awards him €156,000.00 under the Unfair Dismissals Acts, 1967 to 2007.

The Tribunal also awards the claimant €10,600.00 in respect of his claim for holiday pay under the Organisation Of Working Time Act, 1997 and €9,200.00 under the Minimum Notice And Terms Of Employment Acts, 1973 to 2005.

It is noted that the claim under the Redundancy Payments Acts, 1967 to 2007 was withdrawn.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____

(CHAIRMAN)