

EMPLOYMENT APPEALS TRIBUNAL

CLAIM(S) OF:
EMPLOYEE
- *claimant*

CASE NO.
MN1933/2009
UD2067/2009

against
EMPLOYER - *respondent*

under

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

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr M. Gilvarry

Members: Mr G. Andrews
Ms H. Murphy

heard this claim at Galway on 5th April 2011

Representation:

Claimant(s) : In Person

Respondent(s) : Director of respondent

Claimant's Case

The claimant gave evidence that he worked as an assistant manager at the respondent's public house premises from February 2008. In the early hours of the morning of 14 March 2009 following an altercation with the proprietor of the business who is since deceased, he was informed that he was fired in a subsequent telephone conversation on 15 March 2009. The Tribunal heard evidence of the claimant's attempts to mitigate his loss and of a period of disability. The claimant gave evidence that he only worked half a day since the date of his dismissal. He was seeking compensation as a remedy for his dismissal

Respondent's Case

No evidence was adduced on behalf of the respondent.

Determination

Based on the evidence of the claimant the Tribunal is satisfied that the claimant was unfairly dismissed. However the Tribunal is of the view that the claimant could have made greater efforts to mitigate his loss. The Tribunal also notes that the claimant was unavailable for work for some periods due to his attendance at training courses and injury.

In all the circumstances the Tribunal awards the claimant the sum of €16,000.00 under the Unfair Dismissals Acts 1977 to 2007. The Tribunal also awards the claimant the sum of €576.00 being the equivalent of one weeks pay under the Minimum Notice and Terms of Employment Acts 1973 to 2005.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

