

EMPLOYMENT APPEALS TRIBUNAL

CLAIM(S) OF:

CASE NO.

EMPLOYEE

UD2474/2009
RP2885/2009

against
EMPLOYER

under

**REDUNDANCY PAYMENTS ACTS, 1967 TO 2007
UNFAIR DISMISSALS ACTS, 1977 TO 2007**

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mrs. M. Quinlan
Members: Mr. M. Carr
Mr. S. O'Donnell

heard this claim at Dublin on 25th February 2011

Representation:

Claimant:

Mr. John Curran BA LL.B, C/O Law Library, Four Courts, Dublin 1

Respondent:

No appearance by or on behalf of the respondent

There was no appearance by or on behalf of the respondent and the Tribunal are satisfied that the respondent was properly notified of the hearing.

At the outset the claimant withdrew his appeal under the Redundancy Payments Acts, 1967 to 2007.

Claimant's case

The claimant stated that he commenced employment with the respondent on 6th January 1991 and that the employment was terminated without notice on 20th October 2009. At the time of termination of employment the claimant was being paid €928.54 gross per week.

On the 20th October 2009 the claimant was going about his job when he was approached by a manager (TH) and asked to come to the office. The claimant was greeted, in the office, by a person whom he knew worked in the wages department (CB). TH told the claimant that he, the claimant, was being made redundant. There had been no prior consultation about this redundancy

and it came as a complete surprise to the claimant. The claimant asked was his job still there and was told that it was but that it was being contracted out to another company and that everything was being done above board and legally. TH insisted that the claimant sign the form RP50 there and then and the claimant agreed to do so but told TH that he was doing so under duress.

The claimant asked if he could be given the job on contract and CB thought that would be a good idea but TH said that the claimant would not want to do the job.

Determination

Having considered the uncontested evidence of the claimant the Tribunal is satisfied that the claimant was effectively summarily dismissed from his employment with the respondent.

The Tribunal awards the claimant €41,600.00 under the Unfair Dismissals Acts, 1977 to 2007. Inmaking this award the Tribunal takes account of an amount already paid to the claimant in respectof a redundancy lump sum and this award is over and above that amount.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

