

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:
EMPLOYEE
– *appellant No 1*

CASE NO.

RP991/2010
MN686/2010

EMPLOYEE
– *appellant No 2*

MN687/2010

against
EMPLOYER - *respondent*

under

MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2005 REDUNDANCY PAYMENTS ACTS, 1967 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr P. Hurley

Members: Mr T. Gill
Ms H. Henry

heard this appeal at Galway on 27th May 2011

Representation:

Appellant(s) : Mr Jim Sheridan, SIPTU, Construction Branch, Liberty Hall,
Dublin 1

Respondent(s) : In Person

Preliminary Point

The claims under the Redundancy Payments Acts 1967 to 2007 and the Minimum Notice and Terms of Employment Acts 1973 to 2005 in respect of appellant No 1 were withdrawn by the appellant's representative on the day of the hearing.

Determination

Appellant No 2 gave evidence that he commenced working for the respondent in June 2008 and his employment terminated on 27 October 2009. He was not told prior to the 27 October that his employment was going to be terminated. He was only told so on the morning of 27 October. (SC)

for the respondent gave evidence that he gave notice to the appellant on 19 October 2009 that his employment would be terminating on 27 October 2009. He confirmed to the Tribunal that this notice was given verbally and the appellant was not given notice in writing. He told the Tribunal that the company employed 150 employees. He treated all employees the same and none of his other employees had brought such a claim.

The Tribunal carefully considered the evidence adduced by both parties. The Tribunal prefers the evidence of the respondent and finds that the appellant was given notice of the termination of his employment. Accordingly the claim under the Minimum Notice and Terms of Employment Acts 1973 to 2005 fails.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

