

EMPLOYMENT APPEALS TRIBUNAL

CLAIM(S) OF:
Employee -*Claimant*

CASE NO.
UD698/2010
MN667/2010

against

Employer -*Respondent*

under

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

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr. P. O'Leary B L

Members: Mr. J. Reid
 Mr. G. Whyte

heard this claim at Dublin on 19th July 2011

Representation:

Claimant: Spelman Callaghan, Solicitors, Corner House, Main Street,
Clondalkin, Dublin 22

Respondent: No appearance or representation on behalf of the respondent.

The determination of the Tribunal was as follows:

The employer failed to appear at the appointed time and sent a faxed letter seeking an adjournment one hour before the case was to begin. The respondent made no communication with the solicitor for the claimant. The Tribunal in order to ensure that they acted reasonably in the matter instructed the secretary of the Tribunal to contact the employer in respect of the faxed letter. The employer informed the secretary of the Tribunal that they had assumed the case was on Thursday, 21st July 2011 and their normal representative was unavailable due to holidays. The person in the company who was due to handle the case was called away to attend a sick uncle in Limerick

The secretary informed the director that the Tribunal had made a decision to commence the hearing in the matter at 11.15am. The director indicated that the company would not be represented.

In view of the above the Tribunal commenced the hearing and because the employer was not present and they could not discharge the onus of proof required under the legislation that the dismissal was fair in all the circumstances, the Tribunal determines that the claimant was unfairly

dismissed and that the most appropriate remedy in the case was re-instatement.

In view of the determination of the Tribunal the claim under the Minimum Notice and Terms of Employment Acts, 1973 to 2005, does not arise.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)