

EMPLOYMENT APPEALS TRIBUNAL

CLAIM(S) OF:
EMPLOYEE– *claimant*

CASE NO.
UD449/2010
MN411/2010

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 M O'Connell BL

Members: Mr R Murphy
Mr F Keoghan

heard this claim at Dublin on 2nd June 2011

Representation:

Claimant(s): Mr Gavan Mackay
Spelman Callaghan, Solicitors
Corner House, Main Street, Clondalkin, Dublin 22

Respondent(s): No appearance by Liquidator

The determination of the Tribunal was as follows:-

The Liquidator of the respondent company did not attend the hearing. The claimant gave evidence that he worked as a security guard for the respondent company. He worked at a shopping centre where the company had a contract. He was accused by the major tenant of the centre of being paid to turn off video surveillance cameras in the store in order to allow certain people steal from the store. The claimant brought a defamation case against the store. His manager told him that the store management said that if the claimant did not drop his legal action they did not want him working there. The claimant refused to withdraw his case.

The claimant was moved around to different jobs over the next number of months. He was dismissed in January 2010. His manager said it was because they had lost a number of contracts, but the claimant did not believe this to have been true. The claimant gave evidence of his loss.

Determination:

Having carefully considered all of the evidence, which was uncontested, the Tribunal is satisfied that the claimant was dismissed from his employment in circumstances which were unfair. While he was told that a redundancy situation existed he believed that the real reason was related to another matter. This evidence was not contested by the respondent company which is in liquidation.

On the claimant's account his weekly salary was €850.00 gross, however, documents from the Office of the Revenue Commissioners indicate that his weekly salary was €338.00. The claimant gave evidence that despite his best efforts he remained unemployed until December 11th 2010. Accordingly, the Tribunal awards the claimant compensation in respect of 48 weeks for the period January 7th 2010 until December 11th 2010 at a gross weekly rate of €338.00 amounting to €16,224 (sixteen thousand two hundred and twenty-four euro) under the Unfair Dismissals Acts, 1977 to 2007.

The Tribunal awards the claimant €338.00 (three hundred and thirty-eight euro) in respect of one week's 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)