

EMPLOYMENT APPEALS TRIBUNAL

CLAIM(S) OF:
EMPLOYEE

- *claimant*

CASE NO.

UD1796/2009
MN1718/2009

against

EMPLOYER – *respondent*

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 J. Fahy BL

Members: Mr T. Gill
Ms H. Murphy

heard this claim at Loughrea on 11th November 2010
and 14th September 2011

Representation:

Claimant(s) : Ms Brid Miller, Solicitor, 16 Castle View, Castle Street,
Roscommon.

Respondent(s) : Swaine, Solicitors, 14 Father Griffin Road, Galway

Determination

As a preliminary issue the respondent's representative objected to the Tribunal having jurisdiction to hear the matter. However the Tribunal referred to the previous hearing of this matter on 11 November 2010 at which the claimant's claims were withdrawn with liberty to re-enter granted to on or before 7 January 2011. The Tribunal is satisfied that the claimant re-entered the claims on or before the specified date of 7 January 2011. Further, the respondent's representative made an application that the case could not proceed as the respondent was not available to the Tribunal. The respondent's representative told the Tribunal that the respondent was in hospital. However the

respondent's representative failed to produce any medical evidence to support this claim. The Tribunal proceeded to hear the claimant's uncontested evidence and the Tribunal finds, after hearing this evidence that the claimant was unfairly dismissed without notice.

The Tribunal awards the claimant the sum of €3500.00 under the Unfair Dismissals Acts 1977 to 2007. Furthermore the Tribunal awards the claimant the sum of €40.00 being the equivalent 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)

