

EMPLOYMENT APPEALS TRIBUNAL

CLAIM(S) OF:
EMPLOYEE -*Claimant*

CASE NO.
UD922/2010
MN873/2010
WT382/2010

against

EMPLOYER -*Respondent*

EMPLOYER -*Respondent*

EMPLOYER -*Respondent*

under

**UNFAIR DISMISSALS ACTS, 1977 TO 2007
MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2005
ORGANISATION OF WORKING TIME ACT, 1997**

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr T. Taaffe

Members: Mr. J. Reid
Mr G. Whyte

heard this claim at Dublin on 5th September 2011

Representation:

Claimant: In Person

Respondents: No appearance or representation on behalf of the respondents.

The determination of the Tribunal was as follows:

The claimant gave evidence that her employment had in fact commenced on 2nd February 2009 and not 15th May 2008, as stated on form T1A. The claimant stated that she had worked for the respondent from February 2009 to October 2009 but despite repeated requests, she was not paid for the duration of her employment. The situation resulted with the claimant having no other option but to resign from her employment, as she could not continue to work without payment. The claimant stated that she was also owed holiday pay. The claimant did not have any documents from her employment, to assist the Tribunal in clarifying the identity of the correct employer.

Determination:

The Tribunal finds that it has no jurisdiction to hear the claim under the Unfair Dismissals Acts, 1977 to 2007, as the claimant does not have the requisite service for bringing a claim under the Acts.

The claimant is not entitled to payment in lieu of notice as she resigned from her employment of her own volition. Accordingly, the claim under the Minimum Notice and Terms of Employment Acts, 1973 to 2005, is dismissed.

The Tribunal finds that the claimant is entitled to the sum of €1,260 under the Organisation of Working Time Act, 1997 given the duration of her employment.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)