

EMPLOYMENT APPEALS TRIBUNAL

CLAIM(S) OF:
EMPLOYEE - *Claimant*

CASE NO.
UD783/2010

Against

EMPLOYER – *Respondent*

EMPLOYER – *Respondent*

EMPLOYER – *Respondent*

EMPLOYER - *Respondent*

under

UNFAIR DISMISSALS ACTS, 1977 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr J. Revington S.C.

Members: Mr G. Mc Auliffe
Ms M. Mulcahy

heard this claim at Dublin on 4th October 2011

Representation:

Claimant(s) : Ms Aoife McCarthy instructed by Mr Graham Hyde,
Thomas Coughlan & Co, Solicitors, 1/2 Anglesea Street, Cork

Respondent(s) : No appearance by or on behalf of the respondent

Claimants Case

The claimant worked as an I.T. Systems Administrator for the respondent company. He commenced working for the company in 2005 as a contractor initially but in July 2006 that changed and he became employed by the respondent. The claimant was paid €3171 per month. During 2007 payment of his wages became an issue and payment regularly fell short. After raising the issue with the respondent it was rectified for a time. In 2008 a shortfall again became a problem with some months no payment received. The claimant gave evidence of meeting with management of the respondent company where he was told that he was a valued employee and promised that he would get paid in full. He told the Tribunal that at that stage he

was living off savings and continued working for the respondent.

In August 2009 the claimant calculated what he was owed and met with a representative of the respondent company who agreed to put a payment structure in place within one week. The claimant stated that he was contacted around that time by a Director of the respondent company who suggested that his employment only commenced in 2008. He told the Tribunal that he referred the respondent to his contract of employment. On 25th August 2009 the claimant received a text message saying that €2500 was lodged to his account. The claimant stated that he received some further small cash payments and had continued telephoning the respondent up until November 2009 but received nothing further. He wrote to the respondent in November 2009 and got no response. He gave evidence to the Tribunal of how he attempted to mitigate his loss.

Determination

The Tribunal is satisfied that all parties were properly notified of the hearing. As there was no appearance by or on behalf of the respondent and based on the uncontroverted evidence of the claimant the Tribunal accepts the evidence and awards €40000 under the Unfair Dismissals Acts, 1977 to 2007.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)