

**EMPLOYMENT APPEALS TRIBUNAL**

CLAIM(S) OF:  
EMPLOYEE

CASE NO.  
UD85/2010  
MN90/2010  
WT51/2010

against

EMPLOYER

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: Ms. M. Levey BL

Members: Mr. J. Flanagan  
Ms. M. Maher

heard this case in Dublin on 6 April 2011

Representation:  
\_\_\_\_\_

Claimant(s):  
Mr. James Maher, James Maher & Co, Solicitors,  
1 The Bookend, Essex Quay, Dublin 8

Respondent(s):  
Mr. Justin Lennon, JJ Lennon, Solicitors,  
38-39 Fitzwilliam Square, Dublin 2

The determination of the Tribunal was as follows:-

Claims were lodged on behalf of the claimant under unfair dismissal, minimum notice and working time (holidays outstanding) legislation. A Tribunal hearing was scheduled and was attended by a solicitor and three witnesses for the respondent. When no-one attended at the appointed time on the relevant day to prosecute the claims the hearing was delayed so that the claims not be immediately struck out.

The Tribunal was then informed that the claimant's solicitor had been out of his office for the preceding week and had only returned on that day after serious illness.

The respondent's representative stated that he was puzzled that he had not been told before that day. He was then told that the claimant's solicitor apologised to the respondent's legal team but he (the respondent's representative) requested that the claims be struck out.

**Determination:**

Granting the request of the respondent's representative, the Tribunal dismisses the claims under the Unfair Dismissals Acts, 1977 to 2007, the Minimum Notice and Terms of Employment Acts, 1973 to 2005, and the Organisation of Working Time Act, 1997.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

(Sgd.) \_\_\_\_\_  
(CHAIRMAN)