

**EMPLOYMENT APPEALS TRIBUNAL**

CLAIM OF:  
EMPLOYEE

- *claimant*

CASE NO.  
RP1192/2010  
UD887/2010  
MN844/2010  
WT372/2010

against

EMPLOYER

- *respondent*

under

**REDUNDANCY PAYMENTS ACTS, 1967 TO 2007  
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 B.L.

Members: Mr J. Goulding  
Mr. P. Woods

heard this claim at Dublin on 28th July 2011

Representation:

\_\_\_\_\_

Claimant: Howard Synnott, Solicitors, Ballyowen Castle, Ballyowen  
Shopping Centre, Lucan, Co Dublin

Respondent: No appearance or representation non behalf of the respondent

**Preliminary Point:**

The claims under the Redundancy Payments Acts 1967 to 2007, Organisation of Working Time Act, 1997 and the Minimum Notice and Terms of Employment Acts 1973 to 2005 were withdrawn by the claimant's representative at the commencement of the hearing.

**Claimants Case:**

The claimant commenced work with the respondent in May 2007 as a general operative/driver. There were two full time employees and a few casual/part time employees.

The claimant was asked to meet the owner of the respondent company in October 2009. He was told he was being let go due to a lack of work, no reduced hours or any other options were offered. The claimant stated that the redundancy was a sham. The position was re-advertised a few months later. It was the same job. He did not seek interview for the re-advertised post as he felt there would have been no point. The claimant has a personal injury claim pending against the respondent company and therefore they would not deal with him.

**Determination**

There was no appearance by or on behalf of the respondent company. The Tribunal was satisfied that it had been properly put on notice of the hearing.

In the light of the foregoing and in the absence of any evidence from the Respondent, the Tribunal, in applying the provisions of section 6(6) of the Unfair Dismissals Act 1977, determines that the dismissal of the Claimant was unfair. Having heard evidence of loss the Tribunal determines that an award to the claimant in the amount of €2,750 represents just and equitable compensation bearing in mind that there was no documentary evidence provided to the Tribunal showing any efforts made to seek employment since the date of the alleged dismissal.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

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

