

EMPLOYMENT APPEALS TRIBUNAL

CLAIM(S) OF:

CASE NO.

EMPLOYEE

claimant

UD1518/2010
MN1451/2010
WT629/2010

Against

EMPLOYER

respondent

under

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

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms O. Madden B.L.

Members: Mr. B. Kealy
Mr F. Keoghan

heard this claim at Dublin on 9th December 2011

Representation:

Claimant(s): Mr. John Murchan, Murchan & Company, Solicitors,
68 Lower Leeson Street, Dublin 2

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

The determination of the Tribunal was as follows:-

The claim under the Organisation of Working Time Act 1997 was withdrawn prior to the hearing

Claimant's Case

The claimant told the Tribunal that he received a letter dated the 2nd December 2009 regarding temporary layoff. He had a meeting with the director of the respondent on the 1st December 2009 and he told him that he was hopeful that the layoff would not be for too long. The claimant was employed as a finishing foreman. He received his P45 on the 22nd December

2009. He did not receive a contract of employment. He did not hear from the respondent again regarding work. The respondent replaced him with an employee who had less service than he had.

The claimant applied for numerous jobs and registered with FAS and five different employment agencies. He spends a couple of hours every day on his computer seeking employment. After six months he contacted the respondent and was informed that he could apply for redundancy. He would have been happy to get his job back. He applied for his redundancy and he received a redundancy lump sum of €6708.00. An employee with less service than he had replaced him

Respondent's Case

The Tribunal is satisfied that the respondent was properly notified of the hearing. There was no representative or attendance by on behalf of the respondent.

Determination

Having heard the uncontroverted evidence of the claimant the Tribunal finds that the claimant's job was replaced and that he was unfairly dismissed. He is entitled to compensation in the amount of €113,000.00 under the Unfair Dismissals Acts, 1977 to 2007. In making this award the Tribunal takes into account the fact that the claimant received redundancy lump sum.

The claimant is entitled to two weeks gross pay in lieu of notice in the amount of €2917.30 (€1458.65 per week) under the Minimum Notice and Terms of Employment Acts, 1977 to 2005.

As the claim under the Organisation of Working Time Act, 1997 was withdrawn no award is being made under this Act.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

