

EMPLOYMENT APPEALS TRIBUNAL

CLAIM(S) OF:

CASE NO.

EMPLOYEE

claimant

MN1007/2010

Against

EMPLOYER

respondent

under

MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2005

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr G. Hanlon

Members: Mr. T. O'Sullivan
Mr A. Butler

heard this claim at Dublin on 18th November 2011

Representation:

Claimants(s): Mr. Blazej Nowak, Polish Consultancy Enterprise,
107 Amien Street, Dublin 1

Respondent(s) Ms. Susan Jones BL instructed by James V. Tighe & Co., Solicitors,
Main Street, Celbridge, Co. Kildare

The decision of the Tribunal was as follows:-

Claimant's Case

The claimant told the Tribunal he commenced employment with the respondent in either 2007 or 2008 for three months. He was a student in 2007 and 2008 and he returned to Poland after three months. He again commenced working with the respondent on 8th September 2009. He requested holidays in March 2010 as he was told he was not needed on the 29th March 2010. While he was on holidays a colleague told him that there was no work for him. He contacted the office and he was informed that he was no longer working and he requested his P45. He expected to return to work with the respondent and he was not told that he would not be returning.

Respondent's Case

ML told the Tribunal that the claimant requested his P45 as he was returning to Poland. He worked until the 26th March 2010. He asked for his holiday pay to be included in his wages the following week for tax purposes. She did not have a conversation with the claimant regarding him returning to work.

Determination

On the evidence adduced the Tribunal finds that the claimant expected to return to work with the respondent. The respondent did not contact him regarding a new assignment and he is entitled to compensation in lieu of notice in the amount of €381.56 which is equivalent to one week's gross pay under the Minimum Notice and Terms of Employment Acts, 1973 to 2005.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(Chairman)

