

EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:
EMPLOYEE

CASE NO.
MN1199/2010

against

EMPLOYER

under

MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2005

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr T. Taaffe
Members: Mr M. Noone
 Mr J. Jordan

heard this claim at Wicklow on 20th June and 23rd November 2011

Representation:

Appellant : In person

Respondent : No representation listed

The decision of the Tribunal was as follows:

The Tribunal is satisfied that the respondent was properly notified of this hearing.
Neither the respondent nor a representative on its behalf appeared for the hearing.

Appellant's Case

The appellant stated she commenced employment as a clerical officer in September 1996 at a school. From that date and up to 1 January 1999 she was employed by other entities other than the respondent. Her status then changed to that of an employee of the respondent. She produced documents clearly naming and identifying the respondent as her employer. During the summer of 2008 a colleague contacted her effectively informing her that her job was no longer available at the school. The school was as surprised as the appellant at her cessation of employment and the appellant insisted that at no stage did the school terminate her employment.

When the appellant queried her cessation of employment with the respondent she received a brief note from that organisation stating: *As your job sharing partner returned to work full time, your contract was terminated with effect from 23 August 2009. You did not receive redundancy or any other lump sum payments.*

Respondent's Case

No oral evidence adduced.

Determination

The Tribunal carefully considered the evidence adduced which consisted of the oral evidence of the appellant accompanied by a written submission from the respondent.

The Tribunal accepts the uncontested evidence of the appellant that she never entered into a contract, verbal or written, with the board of management of the school, where she worked. The Tribunal therefore determines that the appellant was in the employment of the respondent and is therefore entitled to her statutory minimum notice under the Minimum Notice and Terms of Employment Acts, 1973 to 2005 in respect of which it awards a sum of €4020.00 to the appellant.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

