

EMPLOYMENT APPEALS TRIBUNAL

CLAIM(S) OF:

CASE NO.

EMPLOYEE

claimant

MN1006/2010

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 that he commenced employment in March or May 2009 with the respondent. He received €300.00 to €349.00 per week. He finished an assignment in March 2010. His son was born on the 12th March 2010. He received a text message from the respondent that he was not needed and that the respondent would contact him if he was needed. He undertook different types of work for the respondent in different locations. He requested his P45 because he felt that he was not appreciated in his job. He received a telephone call regarding another job offer but he did not receive a letter regarding this. He worked an average of eight to twenty four hours per week with the respondent and some weeks he did not work for the respondent. When his son was born on the 12th March 2010 he took four or five days off.

Respondent's Case

ML told the Tribunal that she undertook accounts and recruited employees. The claimant came into the office in March 2009 and commenced work in May 2009. He worked with company P for a few months. He had to wait too long for a bus and it was too expensive for him to travel to work. He told her he could get better money on Social Welfare. There was no full time job available. The claimant was offered another job but he refused this. He requested his P45 and he came to the office the week after the 27th March 2010 at his convenience.

Determination

The Tribunal finds that on the evidence adduced the claimant resigned from the respondent. He requested his P45. His claim under the Minimum Notice and Terms of Employment Acts, 1973 to 2005 fails.

Sealed with the Seal of the
Employment Appeals Tribunal

This _____

(Sgd.) _____
(Chairman)

(CHAIRMAN)

