

## EMPLOYMENT APPEALS TRIBUNAL

CLAIM(S) OF:  
EMPLOYEE –*Claimant A*

CASE NO.

MN1467/2010

EMPLOYEE –*Claimant B*

MN1468/2010

against  
EMPLOYER –*Respondent*

under

### MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2005

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Mr N. Russell

Members: Mr J. Browne  
Mr F. Dorgan

heard this claim at Kilkenny on 16th December 2011

#### **Representation:**

Claimants: In person

Respondent: In person

#### **The decision of the Tribunal was as follows:**

Claimant A worked for the respondent as a lorry driver from the 22<sup>nd</sup> October 1997 to the 26<sup>th</sup> June 2009. Claimant A stated that he had received one week's notice prior to the termination of his employment. His claim was for the outstanding sum of notice due. Claimant A informed the Tribunal that he commenced alternative employment during the notice period on the 6<sup>th</sup> July 2009.

Claimant B stated that he worked for the respondent as a lorry driver from March 2002 until the 26<sup>th</sup> June 2009. He also received one week's notice but did not find work during or after the notice period.

Neither the claimants nor the respondent could provide a figure for gross pay to the Tribunal. Claimant A stated that his net pay was €500 and Claimant B stated that his net pay was €450; these figures were based on a five-day week.

**Determination:**

The Tribunal requested documentation in relation to the claimants' gross pay. The Tribunal used this documentation to calculate the claimants' outstanding entitlements.

The Tribunal finds that Claimant A is entitled to the sum of €328.13 (being the equivalent of one weeks' gross pay) given the fact that he secured new employment during the notice period. As stated by the Minimum Notice and Terms of Employment Acts, 1973 to 2005.

*“An employer shall not be liable to pay to his employee any sum under paragraph 3 of this Schedule unless the employee is ready and willing to do work of a reasonable nature and amount to earn remuneration at the rate mentioned in the said paragraph 3.”*

The Tribunal finds that Claimant B is due €884.67 (being the equivalent of three weeks' gross wages) under the Minimum Notice and Terms of Employment Acts, 1973 to 2005.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

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