

## EMPLOYMENT APPEALS TRIBUNAL

CLAIM(S) OF:

CASE NO.

EMPLOYEE            -*Claimant*

UD833/2010

MN794/2010

WT354/2010

against

EMPLOYER           -*Respondent*

under

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

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Ms J. McGovern B.L.

Members: Mr C. McHugh  
              Mr S. O'Donnell

heard this claim at Dublin on 7th February 2012

#### **Representation:**

Claimant: In Person

Respondent: No appearance or representation on behalf of the respondent.

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

It was the claimant's uncontested evidence that he worked for the respondent from the time of the 26 November 2007 until he was dismissed on 22 February 2010. The claimant was due wages in mid-January 2010 but this was not paid to him. He complained to the respondent and was informed that he would be paid in the coming weeks. The claimant continued to work; however despite further assurances from the respondent the claimant did not receive the wages due to him.

On Monday, 22 February 2010 he again raised the matter with the respondent who informed him that there was no job for him, as he complained. The claimant confirmed that he subsequently received payments of €900.00 and €1,470.38 for wages outstanding. He stated that he was not paid or provided with minimum notice and he outlined an outstanding entitlement to holiday pay. The claimant gave evidence that the respondent is no longer in business in Ireland had has not beensince approximately November 2010.

**Determination:**

Based on his uncontested evidence the Tribunal finds that the claimant was unfairly dismissed from his employment with the respondent. The Tribunal finds that the appropriate remedy under the Unfair Dismissals Acts, 1977 to 2007, is compensation in the sum of €20,000.

The Tribunal awards the claimant the sum of €1,400.00 (being the equivalent of two weeks gross pay) under the Minimum Notice and Terms of Employment Acts, 1973 to 2005.

The claimant is awarded the sum of €4,410.00 (being the equivalent of 31.5 days gross pay) under the Organisation of Working Time Act, 1997.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

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