

EMPLOYMENT APPEALS TRIBUNAL

CLAIM OF:

CASE NO.

EMPLOYEE

UD1597/2010

- claimant

Against

EMPLOYER

- respondent

under

UNFAIR DISMISSALS ACTS, 1977 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms J. McGovern B.L.

Members: Mr D. Peakin
Mr S. Mackell

heard this claim at Naas on 1st February 2012.

Representation:

Claimant: In person

Respondent: In person

The determination of the Tribunal was as follows:-

Claimant's Case:

The claimant commenced work as a shop assistant in the respondent's shop C on 11th March 2008. She worked a 35/40 hour working week and had a good working relationship with the owners P & T. She was paid the minimum wage €8.65 per hour. The respondent opened a second shop X on 15th May 2008 and on occasion she helped out in that shop.

Her daughter got married in mid November 2009 and after that her hours were reduced to 12/18 hours per week. In mid November 2009 also the owner of the building JM who had leased her building to P & T informed her that shop C was closing.

T informed her that the shop was indeed closing, not to worry and that work would be available three evenings a week for her in shop X.

While working her shift on 24th December 2009 the claimant was asked to call up to shop X. N

gave the claimant her wages. She returned to work and then received a telephone call from N again and was told she would receive her P45 and P60 in the post in early January 2010. She received her P45 on 14th January 2010.

The claimant secured part time work on 14th February 2010 and then on 7th July 2011 secured full time work.

The claimant contended that she knew that shop C was closing but had been assured that part time work would be available for her in shop X.

Respondent's Case:

Respondent P contended that the claimant predominantly worked in shop C and did some hours in shop X. Shop C closed on 25th December 2009. The claimant had been told on 11 November 2009 that shop C was closing at Christmas. No hours were offered to the claimant in shop X after that.

Shop X closed down on 17th November 2010.

Determination:

Based on the evidence adduced during the hearing, the Tribunal is satisfied that the claimant was informed in November 2009 that shop C was closing at Christmas 2009. No further work was available for the claimant.

The Tribunal finds that the claimant was not unfairly dismissed and her claim under the Unfair Dismissals Acts, 1977 to 2007 fails.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)