

EMPLOYMENT APPEALS TRIBUNAL

CLAIM(S) OF:
EMPLOYEE - *claimant*

CASE NO.
UD2008/2010

against
EMPLOYER- *respondent*

under

UNFAIR DISMISSALS ACTS, 1977 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms. M. Levey B.L.

Members: Mr J. Horan
Ms M. Mulcahy

heard this claim at Dublin on 28th February 2012

Representation:

Claimant(s) : In Person

Respondent(s) : O'Mara Geraghty McCourt, Solicitors, 51 Northumberland
Road, Dublin 4

Summary of Evidence

The claimant was employed as a barman in the respondent's licensed premises from June 2008. There were no issues with his work performance and it was accepted that he performed his duties satisfactorily. In early 2010 there was a noticeable downturn in the respondent's business and it became necessary to cut back on overheads in order for the respondent to remain in business. As part of this reduction in overheads the claimant was selected for redundancy. The claimant was made redundant on the basis of last in first out and he was made redundant in July 2010. He was paid his statutory redundancy entitlements. The claimant denied that he was the last employee hired by the respondent and gave evidence that some part-time employees hired after him were retained in employment. On that basis he believed that he was unfairly selected for redundancy. Witness for the respondent gave evidence that he hired an employee(s) occasionally on particular nights if an event was taking place in Dublin, and there was an expectation of an upsurge in customers. However this was not done on a regular basis and the respondent was not in a position to offer regular part-time work to the claimant.

Determination

The Tribunal considered the evidence of both parties and is of the view that the claimant was not unfairly selected for redundancy. The selection was made on a last in first out basis and the Tribunal is satisfied that the claimant was fairly selected for redundancy according to that basis. Accordingly the Tribunal finds that the claim under the Unfair Dismissals Acts 1977 to 2007 fails and is hereby dismissed.

Sealed with the Seal of the
Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

