

EMPLOYMENT APPEALS TRIBUNAL

CLAIM OF:
EMPLOYEE

CASE NO.
UD2270/2010
MN2218/2010

against

EMPLOYER
Under

UNFAIR DISMISSALS ACTS, 1977 TO 2007
MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2005

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms F. Crawford B.L.

Members: Mr. M. Flood
Mr G. Whyte

heard this claim at Dublin on 29th March 2012

Representation:

Claimant : Ms Melanie Bailey,
Michael Finucane, Solicitor, Arran House, 35 Arran Quay, Dublin 7

Respondent : No representation listed

The determination of the Tribunal was as follows:

The Tribunal is satisfied that the respondent was properly notified of this hearing.
Neither the respondent nor a representative on its behalf appeared for this hearing.

Respondent's Case

No evidence adduced

Claimant's Case

The claimant who worked as a security officer started employment with the respondent in September 2007. Both his hours of work and locations varied, as did his weekly remuneration. His contract of employment that issued later in 2007 contained, among other items, details on disciplinary and dismissal procedures. The claimant described his relationship with the respondent as very good and added that up to May 2010 he had never been reprimanded or disciplined by the company.

As a result of an unprovoked assault on 10 May 2010 the claimant suffered injuries that prevented him from reporting for duty the next day. In informing the respondent of his illness he was told by

its office manger that he could no longer work for the respondent. The claimant was surprised and shocked at that news and his attempt to contact a director of the respondent did not elicit a response. He told the Tribunal that there was no investigation or indeed any attempt by the respondent to follow its own procedures in this case. The claimant also gave details on the losses he sustained as a result of his dismissal.

Determination

The claimant's uncontested evidence to the Tribunal is accepted as an accurate account of the circumstances of his dismissal. Based on that evidence this is a clear case of unfair dismissal. Accordingly, the claim under the Unfair Dismissals Acts, 1977 to 2007 is allowed and the claimant is awarded €11,000.00 as compensation under those Acts.

The appeal under the Minimum Notice and Terms of Employment also succeeds and the appellant is awarded €735.00 under those Acts.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

