

## EMPLOYMENT APPEALS TRIBUNAL

CLAIM(S) OF:  
CASE NO.

WT623/2010

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. E. Kearney B.L.  
Members: Mr. W. O'Carroll  
Ms H. Murphy

heard this claim at Galway on 11th January 2012

### **Representation:**

Claimant(s) : No appearance by or on behalf of the claimant

Respondent(s) : Dundon Callanan, Solicitors, 17 The Crescent, Limerick

### **Determination**

The claimant applied for an adjournment of his claim on the 5<sup>th</sup> day of January 2012 to a Division of the Tribunal in Dublin on the grounds that the claimant had instituted High Court proceedings for personal injuries and consequential loss of earnings arising out of the same set of facts and circumstances as the claim for constructive dismissal before the Tribunal. That application was refused but the Tribunal indicated that the claimant could renew the application to the sitting Division on the hearing date.

There was no appearance by or on behalf of the claimant to prosecute the claim before the Tribunal. Solicitors for the respondent applied to strike out the claims in circumstances where the claimant failed to appear. In light of the circumstances presented to the Tribunal and particularly the correspondence inter partes between the 6<sup>th</sup> and 9<sup>th</sup> January 2012 wherein the claimant indicated that he would not be attending the Tribunal on the hearing date, the Tribunal accedes to the respondent's application and strikes out the claims under the Unfair Dismissals Acts, 1977 to 2007, the Minimum Notice and Terms of Employment Acts, 1973 to 2005 and the Organisation of Working Time Act, 1997

Sealed with the Seal of the  
Employment Appeals Tribunal

This \_\_\_\_\_

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