

EMPLOYMENT APPEALS TRIBUNAL

CLAIM OF:
EMPLOYEE

CASE NO.
UD1186/2010
RP1616/2010

MN1151/2010

WT492/2010

Against

EMPLOYER

Under

**UNFAIR DISMISSALS ACTS, 1977 TO 2007
REDUNDANCY PAYMENTS ACTS, 1967 TO 2007
ORGANISATION OF WORKING TIME ACT, 1997
MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2005**

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms. M. Levey B.L.

Members: Mr C. Lucey
Mr N. Dowling

heard this claim at Dublin on 27th January 2012

Representation:

Claimant: Noel Smyth & Partners, Solicitors, 22 Fitzwilliam Square, Dublin 2

Respondent: No attendance or representation

The determination of the Tribunal was as follows:-

The Claims under the Redundancy Payments Act, Organisation of Working Time Act and Minimum Notice and Terms of Employment Acts were withdrawn.

Claimant's case

The claimant stated that she commenced employment with the respondent in 2003 working in marketing, consultancy and planning. The job evolved and in 2008 she took over as C.E.O. due to extenuating circumstances. She tried to straighten things out and the business was breaking even.

In February 2010 she was told that the county sheriff would be taking over the shares of the company. She told the sheriff that she would be interested in running the company but was informed that an external person would run the business. The following day the claimant was told to take her possessions and leave. The claimant had received nothing regarding her dismissal except a P45 which showed she made S1 class contributions.

The Tribunal requested that evidence of employee status be submitted.

Determination

On the uncontested evidence of the claimant and having seen the relevant documents the P45 and the P60 the Tribunal finds that the claimant was unfairly dismissed.

The Tribunal awards the claimant compensation of €45,362.72 under the Unfair Dismissals Acts, 1977 to 2007.

The claims under the Redundancy Payments Acts, 1967 to 2007, Organisation of Working Time Act, 1997 and the Minimum Notice and Terms of Employment Acts, 1973 to 2005 were withdrawn and no award is being made under these Acts.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

