

EMPLOYMENT APPEALS TRIBUNAL

CLAIMS OF:

CASE NO.
UD2377/2009
MN278/2011

EMPLOYEE
-Claimant

against

EMPLOYER
-Respondent
EMPLOYER
-Respondent
EMPLOYER
-Respondent

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: Mr N. Russell
Members: Mr J. Hennessy
Ms S. Kelly

heard this claim at Clonmel on 25th January 2011
and 19th July 2011

Representation:

Claimant: Mr Pat Naill, 15 Albert Street, Clonmel, Co Tipperary

Respondent: No appearance or representation

There was no appearance or representation by or on behalf of the respondents in this case.

The Tribunal heard the uncontested evidence of the claimant. On 26th June 2009 there was not a lot of work so he decided to clean a piece of equipment "a hollow". That morning his employer told him to put the Hollow sections in the work shop. He forgot to cover some hollow pieces. At around 4.45 pm his employer looked at the pieces in the yard. His employertold him that he could not do anything right and that he would do it himself. At that point he asked his employer for his p45. His employer told him that if he wanted to he would give it to him. His employer as usual drove him and another worker to their homes.

He went to work the next day and his employer did not say anything. That evening the workers all received their pay envelopes. He opened his envelope at home and saw that it had his p45 inside. He was shocked.

He worked for the respondent for thirty three years. He had previously had disagreements with his employer and requested his p45 but he had not received one. He was surprised when he received his p45.

Determination:

The Tribunal having heard the evidence determine that the claim under the Unfair Dismissals Acts 1977 to 2007 succeeds. The employee had previous disagreements and requested his p45 but nothing happened. It seems that the employee requested his p45 out of frustration but had not intended to resign. The Tribunal determine that compensation be the most appropriate remedy and awards the claimant the sum of €20,000.00.

The claim under the Minimum Notice and Terms of Employment Acts, 1973 To 2005, succeeds and the Tribunal awards the claimant the sum of €3,166.64.

Sealed with the Seal of the
Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

