

EMPLOYMENT APPEALS TRIBUNAL

CLAIM OF:
EMPLOYEE

CASE NO.
UD2184/2010
MN2152/2010

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: Mrs M. Quinlan

Members: Mr B. Kealy
Mr G. Whyte

heard this claim at Dublin on 21st March 2012

Representation:

Claimant: Kevin Tunney, Solicitors, Millennium House, Main Street,
Tallaght, Dublin 24

Respondent: Not Present or Represented

There was no appearance by or on behalf of the respondent and the Tribunal is satisfied that they were properly notified of the hearing.

Claimant's case:

The claimant JD told the Tribunal that the respondent is a middle company that operates between insurance companies and private householders. He started working for the respondent on 14th February 2009.

They provide assessments and carry out works. Commission was paid to the claimant for assessments and for overseeing the jobs. A fee is taken from the insurance company.

JD broke his arm in March of 2010 and was unable to drive. He was called to the office in April and was told that there was a problem with some assessment forms and work not being done properly. The claimant was told he was not getting any pay and there was no more work for him.

No notice was given. The claimant never received a contract of employment.

Determination

Having considered the uncontested evidence of the claimant the Tribunal finds that he was unfairly dismissed. In making an award the Tribunal is satisfied that the claimant earned €500.00 gross per week and taking into account his efforts to mitigate his loss awards him €26,000.00 under the Unfair Dismissals Acts, 1977 to 2007.

Furthermore the Tribunal awards the claimant €500.00 in respect of minimum notice under the Minimum Notice And Terms Of Employment Acts, 1973 to 2005.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

