

**EMPLOYMENT APPEALS TRIBUNAL**

CLAIM OF:

CASE NO.  
WT765/2010  
MN1665/2010

EMPLOYEE

against

EMPLOYER

under

**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 J. McGovern B.L.

Members: Mr A. O'Mara  
Mr N. Dowling

heard this claim at Mullingar on 11th April 2012

Representation:

\_\_\_\_\_

Claimants: Ms Patricia Cronin, John J Quinn & Co, Solicitors, Earl Street, Longford

Respondent: In person

The decision of the Tribunal was as follows:-

**The decision of the Tribunal was as follows:**

The claimant commenced employment with the respondent in May 2009. He was a director and an employee of the company. The Tribunal heard evidence that the claimant was dismissed on 13th January 2010. He had not taken any annual leave but did travel to wedding and took 6 days of unpaid leave. He was unable to confirm if he had received payment for those days.

It was the respondent's case that the claimant was given his leave entitlement but no records of same were produced to the Tribunal. The claimant was paid up until 18<sup>th</sup> January and his notice period was therefore paid.

**Determination:**

Having carefully considered the conflicting positions of employer and employee, the Tribunal is satisfied from the verbal evidence adduced that the claimant is entitled to the sum of €855.00 (being the equivalent of six and a half days of annual leave) under the Organisation of Working Time Act 1997.

Regarding the claim under the Minimum Notice And Terms Of Employment Acts, 1973 to 2005 the Tribunal prefer the evidence of the employer. Therefore this claim fails.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

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

