

EMPLOYMENT APPEALS TRIBUNAL

CLAIM OF:
EMPLOYEE

CASE NO.
RP2229/2010
UD1664/2010

MN1593/2010
WT717/2010

Against

EMPLOYER
EMPLOYER

under

REDUNDANCY PAYMENTS ACTS, 1967 TO 2007
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: Mr G. Hanlon

Members: Mr P. Pierson
Ms. A. Moore

heard this claim at Cavan on 2nd February 2012

Representation:

Claimant: Barry Healy & Company, Solicitors, "Laurel Lodge",
Hillside, Monaghan

Respondent: No appearance by or on behalf of the respondent

The determination of the Tribunal was as follows:-

The Tribunal is satisfied that the respondent was properly notified of this hearing. Neither they nor representatives on their behalf appeared for this case.

Claimants Case:

The claimant worked as a general operative in the construction industry and was paid by cash or cheque on a weekly basis.

He received a telephone call from his employer on the evening of the 11th May 2010 when he was

advised not to come back to work. His employer told him he had found somebody to do the work at a lesser rate of pay.

Determination:

As there was no appearance by the respondent, no evidence was proffered to the Tribunal that the claimant was fairly selected for redundancy and therefore fairly dismissed. In those circumstances, based on the claimant's uncontested evidence the Tribunal finds that the claim under the Unfair Dismissals Acts succeeds and awards the claimant compensation in the sum of €24,300.00 under the Unfair Dismissals Acts 1977 to 2007.

The Tribunal also awards the sum of € 700.00, this being two weeks gross wages, under the Minimum Notice and Terms of Employment Acts, 1973 to 2005

The claim under the Redundancy Payments Acts 1967 to 2007 and the Organisation of Working Time Act, 1997, was withdrawn at the outset of the hearing.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

