

EMPLOYMENT APPEALS TRIBUNAL

CLAIM OF:

EMPLOYEE
- claimant

CASE NO.

UD115/10
MN123/10
WT67/10

Against

EMPLOYER - respondent

EMPLOYER - respondent

under

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

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms P. McGrath B.L.

Members: Mr J. Horan
Mr C. Ryan

heard this claim at Dublin on 23rd May 2011 and 25th June 2012.

Representation:

Claimant: Mr. Alan Wallace, Mangan O'Beirne, Solicitors, 31 Morehampton Road,
Dublin 4
On 23rd May 2011

Employee Rep
On 25th June 2012

Respondent: Ms Anne Brennan, O'Mara Geraghty McCourt, Solicitors, 51 Northumberland
Road, Dublin 4

The determination of the Tribunal was as follows:-

At the outset of the hearing on 23rd May 2011 the claim under the Organisation of Working
Time Act, 1997 was withdrawn.

Determination:

The Tribunal has every sympathy for the claimant who the Tribunal has now been informed will not be returning to the Tribunal.

However, the Tribunal cannot further facilitate the claimant in circumstances where the claimant will never be in a position to be cross-examined in relation to the evidence she has already given. The Tribunal must allow both parties an equal opportunity to make their case and test the case of the other party.

In the circumstances, this case must now fail for want of prosecution. Accordingly, the claims under the Unfair Dismissals Acts, 1977 to 2007 and the Minimum Notice and Terms of Employment Acts, 1973 to 2005 are dismissed.

Sealed with the Seal of the
Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)