

## EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:  
EMPLOYEE

CASE NO.  
UD45/2011

against the recommendation of the Rights Commissioner in the case of:  
EMPLOYER

under

### UNFAIR DISMISSALS ACTS, 1977 TO 2007

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Mr. A. Taaffe

Members: Mr. J. Goulding  
Mr. M. O'Reilly

heard this appeal in Dublin on 19 June 2012

Representation:

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Appellant(s):

Mr. Brendan Savage BL instructed by  
O'Hanrahan Lally, Solicitors, Dublin Law Chambers,  
77 Talbot Street, Dublin 1

Respondent(s) :

No attendance or representation

The determination of the Tribunal was as follows:-

This case came to the Tribunal under the Unfair Dismissals Acts, 1977 to 2007, as an employee appeal against Rights Commissioner Recommendation r-093591-ud-10/EH.

The Rights Commissioner found that the employee had been unfairly dismissed and should be compensated for unfair selection for redundancy. However, an appeal was lodged on behalf of the employee on the grounds that the compensation recommended (€440.00) was insufficient in view of the loss incurred by the employee (hereafter referred to as the appellant) as a result of her dismissal and the efforts made by the appellant to mitigate her loss by finding new employment.

In sworn testimony at the Tribunal hearing the appellant gave evidence that, after her unfair dismissal (by reason of unfair selection for redundancy) from her position with the respondent as a waitress/cashier, she had sought employment with various employers but that she had been

unsuccessful. She had received assistance in preparing a curriculum vitae and she sought employment of any kind including cleaning and looking after children. She also went on the FAS website where she was registered as well as e-mailing train stations about waitressing work for which she had not yet been contacted.

No evidence was given at the Tribunal hearing by or on behalf of the respondent.

**Determination:**

The Tribunal checked that the respondent's address had not been changed at the Companies Registration Office. Evidence was taken at the Tribunal hearing as to the appellant's attempts to mitigate her loss by securing new employment. Therefore, the Tribunal, in awarding compensation under the Unfair Dismissals Acts, 1977 to 2007, unanimously deems it just and equitable to vary Rights Commissioner Recommendation r-093591-ud-10/EH and award the appellant the sum of €15,000.00 (fifteen thousand euro) under the said legislation in addition to all payments (for redundancy etc.) already made to the appellant in connection with the termination of her employment.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

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

