

EMPLOYMENT APPEALS TRIBUNAL

CLAIM OF:
EMPLOYEE
- *Claimant*

CASE NO.
UD2375/2010
WT1047/2010

Against

EMPLOYER
- *Respondent*

under

ORGANISATION OF WORKING TIME ACT, 1997 UNFAIR DISMISSALS ACTS, 1977 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms O. Madden B.L.

Members: Mr J. Browne
Ms S. Kelly

heard this claim at Portlaoise on 11th April 2012

Representation:

Claimant: Mr. Kevin Morgan, John M Foley & Company, Solicitors, Station Road, Bagenalstown, Co Carlow

Respondent: No appearance

The determination of the Tribunal was as follows:-

The claim under the Organisation of Working Time Act, 1997 was formally withdrawn at the outset of the hearing.

There was no appearance by or on behalf of the respondent at the hearing on 11th April 2012. The Tribunal heard evidence from the claimant who explained that while he worked for the respondent company he drove a van and delivered parts around the midlands. He also carried special offers and informed clients of same. He would help clients with their queries and try to sell them products on behalf of the respondent company.

The respondent company had approximately 22 shops. The claimant was based in the shop in Mountrath. The claimant used to do the link run to a number of different shops and he also went to Dublin to deliver parts. When the respondent company ceased the link run the claimant found that he was still driving to Dublin and going to Tullamore.

The claimant told he was being made redundant in May 2010 by his manager BMcD. The claimant was never made aware of any selection criteria used or offered an alternative position within the company. The claimant was told by another member of staff that after his redundancy the respondent company hired another van driver and increased the number of operating vans.

Determination

Based on the claimant's uncontested evidence the Tribunal finds that the claimant's dismissal was not by reason of a genuine redundancy and he was in fact unfairly dismissed from his employment. The Tribunal awards the claimant the sum of €13,967.78 under the Unfair Dismissals Acts 1977 to 2007 less €2,967.78 already received under the Redundancy Payments Acts 1967 to 2007.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)