

EMPLOYMENT APPEALS TRIBUNAL

CLAIMS OF:
EMPLOYEE

CASE NO.
UD725/2010

-claimant

MN679/2010

against
EMPLOYER

-respondent

under

**UNFAIR DISMISSALS ACTS, 1977 TO 2007
MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2005**

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr T. Taaffe

Members: Mr. N. Ormond
Mr A. Butler

heard this claim at Dublin on 14th March 2012

Representation:

Claimant: Mr. Andrew Cody, Reidy Stafford, Solicitors,
1-3 Moorefield Terrace, Newbridge, Co Kildare

Respondent: No appearance or representation

Determination:

There was no appearance by or on behalf of the Respondent on the hearing date and on a previous occasion that the case had been set for hearing. The Tribunal is satisfied that proper notification was sent to the respondent.

The claim under the Minimum Notice and Terms of Employment Acts, 1973 to 2005, succeeds and the Tribunal awards the claimant the sum of €831.42.

Claimant's case:

The Tribunal heard uncontested evidence from the claimant. The claimant is a service engineer and carried out maintenance and installation of, access control, car park gates.

He was on annual leave from 27th November 2009 to 12th December 2009. On his return he was told by his employer to take leave, with pay, until after Christmas that is up until 04th January 2010. On 04th January 2010 he phoned his employer and his employer told him to call to the office. He called to the office and his employer handed him three letters of complaints. The claimant gave evidence to the Tribunal as to the nature of the allegations, such as no oil in machinery, barrier problems. On 04th January 2010 his employer wanted him to reply by writing in detail to the letters of allegations and he wanted the reply on that day. He delivered his reply on 06th January 2010.

His employer sent an e-mail to him to say he was not happy with the reply. The claimant sent an e-mail to his employer on 13th January to which he got a reply on 15th January.

The claimant gave evidence as to the communications between him and his employer. Eventually the claimant had to get his solicitor to write to his employer. His employer issued him with a form P.45 on 12th February 2010.

The claimant gave evidence as to his loss.

Determination:

There was no appearance by or on behalf of the Respondent. The Tribunal is satisfied that proper notification was sent to the respondent.

The Tribunal has carefully considered the evidence adduced and determines that no procedures were invoked by the respondent in terminating the claimant's employment. The claimant was therefore unfairly dismissed. The Tribunal determines that compensation be the most appropriate remedy in this case. Accordingly, the Tribunal awards the claimant the sum of €43,233.84, as compensation, having regard to all the circumstances, under the Unfair Dismissals Acts, 1977 To 2007.

Sealed with the Seal of the
Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

