

EMPLOYMENT APPEALS TRIBUNAL

CLAIM(S) OF:
EMPLOYEE
(*claimant*)

CASE NO.
UD2119/2010
MN2077/2010

Against

EMPLOYER

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. F. Murphy

Members: Mr. D. Morrison
Mr M. Mcgarry

heard this claim at Castlebar on 19th April 2012

Representation:

Claimant(s) : Mr. Stephen Lydon, Solicitor, 30, Manor Gardens, Church Road, Ballina,
Co. Mayo

Respondent(s) : No appearance by or on behalf of the respondent

The determination of the Tribunal was as follows:

There was no appearance by or representation on behalf of the respondent. The Tribunal is satisfied that the respondent was on notice of the hearing. The claimant confirmed the details as set out in her claim form.

The claimant told the respondent of her pregnancy in July 2009. She was feeling unwell while working during this time and went to the doctor in September. She had been working 10 hours a day. The doctor gave her a sick cert for one week. She asked for different work but was told there was no other work to give her. The claimant continued with the same hours as they had not been reduced. She was paid social welfare benefit from 14th December 2009 on health and safety grounds. This was certified by the respondent.

From March 2010 the claimant was on maternity benefit for 26 weeks, until September 2010. She contacted the respondent four or five weeks before her due return date. The supervisor said she would put the claimant on the roster for 13th September 2010. On 9th September 2010 she

received a phone call to say the respondent wanted to see her. When she arrived she met two Managers who told her there was no job for her.

The claimant gave evidence pertaining to loss and her efforts to mitigate the loss.

Determination

On the uncontested evidence of the appellant, the Tribunal awards the claimant €13,088 under the Unfair Dismissals Acts, 1977 to 2007.

The Tribunal also awards the appellant her statutory entitlement of €548, being the sum due for two weeks' notice, under the Minimum Notice and Terms of Employment Acts, 1973 to 2005.

Sealed with the Seal of the
Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)