

## EMPLOYMENT APPEALS TRIBUNAL

CLAIM OF:

CASE NO.

EMPLOYEE

UD530/2011

RP734/2011

MN572/2011

against

EMPLOYER

under

**MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2005  
REDUNDANCY PAYMENTS ACTS, 1967 TO 2007  
UNFAIR DISMISSALS ACTS, 1977 TO 2007**

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Ms. C. Egan B.L.

Members: Mr. P. Pierson  
Mr. O. Nulty

heard this claim at Longford on 12th April 2012

Representation:

Claimant:

Mr. Brendan Archbold, 12 Alden Drive, Sutton, Dublin 13

Respondent:

No appearance by or on behalf of the respondent.

**There was no appearance by or on behalf of the respondent and the Tribunal is satisfied that he was properly notified of the hearing.**

### **Claimant's case**

At the outset the claimant withdrew her appeal under the Redundancy Payments Acts 1967 to 2007. However she wished to continue with her claim under the Unfair Dismissals Acts, 1977 to 2007 and under the Minimum Notice and Terms of Employment Acts, 1973 to 2005.

The claimant commenced employment in the respondent's bakery on 16<sup>th</sup> December 2007 and was last employed there on 19<sup>th</sup> December 2010. On the 20<sup>th</sup> December 2010 the claimant was called to a meeting with her supervisor and the respondent. The respondent told the claimant that there was no longer a job for her as she had cut bread in an incorrect manner and squashed

it. The claimant was dismissed without notice and was only paid for the hours she was owed up to 19<sup>th</sup> December 2010. She had never received any warnings about her work prior to being dismissed.

Subsequent to her dismissal the claimant sought advice from the Citizens Information Centre and based on that advice approached the respondent. At a later date the claimant received a cheque for approximately €1,600.00, through the post, from the respondent. There were no documents with this cheque and the claimant took this as an attempt, by the respondent, to pass off her dismissal as redundancy. However the claimant does not agree that she was made redundant and in fact when she visited the bakery after her dismissal she noted that there were new people working there.

### **Determination**

Having considered the uncontested evidence of the claimant the Tribunal finds that the claimant was unfairly dismissed without notice and awards her €9,200.00 under the Unfair Dismissals Acts, 1977 to 2007 together with €600.00 under the Minimum Notice and Terms of Employment Acts, 1973 to 2005.

These awards are over and above any unspecified payment already made by the respondent to the claimant.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

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