

EMPLOYMENT APPEALS TRIBUNAL

CLAIM OF:

CASE NO.

EMPLOYEE

UD531/2011

RP735/2011

MN573/2011

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 16th December 2007 and was last employed there on 19th December 2010. On the 20th 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 19th 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 €13,400.00 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)