

**EMPLOYMENT APPEALS TRIBUNAL**

CLAIM OF:

CASE NO.

EMPLOYEE

UD632/2011

RP873/2011

MN682/2011

WT258/2011

against

EMPLOYER

under

**MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2005  
ORGANISATION OF WORKING TIME ACT, 1997  
REDUNDANCY PAYMENTS ACTS, 1967 TO 2007  
UNFAIR DISMISSALS ACTS, 1977 TO 2007**

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Ms. P. McGrath B.L.

Members: Mr. J. Goulding

Mr. N. Dowling

heard this claim at Dublin on 30th August 2012

Representation:

Claimant:

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 they were properly notified of the hearing.**

**Claimant's case**

At the outset the claimant withdrew her appeals under the Redundancy Payments Acts, 1967 to 2007 and the appeal under the Minimum Notice and Terms of Employment acts, 1973 to 2005 together with the appeal under the Organisation of Working Time Act, 1997.

The claimant commenced employment with the respondent, as an accounts assistant, on 16<sup>th</sup> April 2008 and was dismissed by way of redundancy on 15<sup>th</sup> December 2010.

It was the claimant's case that she was the longest serving member of staff and that she was unfairly selected for redundancy. She had raised a grievance with the respondent with

regard to how badly she was being treated at work but this grievance was never properly dealt with. On a number of occasions the claimant did not receive her wages on time while the rest of the staff did. She became ill due to the stress she was under at work and had to go on sick leave for ten days. When she returned to work the respondent told her that the company was going into liquidation and that she was not to come back to work. However other staff members remained in employment after the claimant was dismissed.

The claimant was unemployed for five months after she was dismissed. During this time she was actively seeking employment and managed to secure a job on 19<sup>th</sup> April 2011 and was paid at the rate of €26,000.00 per annum. On the 2<sup>nd</sup> October 2011 she changed jobs and is currently earning €30,000.00 per annum.

### **Determination**

Having considered the uncontested evidence of the claimant the Tribunal finds that the claimant was unfairly dismissed from her employment with the respondent and awards her €10,086.54 under the Unfair Dismissals Acts, 1977 to 2007, less €3,086.54 already paid to her in respect of a redundancy lump sum.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

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