

EMPLOYMENT APPEALS TRIBUNAL

CLAIMS OF:

CASE NO.

EMPLOYEE - **Claimant**

UD37/2011
MN40/2011

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 J. Lucey

Members: Mr G. Andrews
Mr F. Dorgan

heard these claims at Castleconnell on 11 September 2012

Representation:

Claimant:

Mr Mike McNamara, BATU, Mechanics Institute,
Hartstonge Street, Limerick

Respondent:

No appearance by or representation on behalf of the respondent

The determination of the Tribunal was as follows:

Determination:

Being satisfied that the liquidator was properly on notice of the hearing the Tribunal proceeded to hear the case. Based on the uncontroverted evidence of the claimant the Tribunal was satisfied that the claimant was unfairly dismissed. The evidence having shown that the Labour Court (CD/11/364) had found under the Construction Industry Registered Employment Agreement that the claimant had been underpaid the Tribunal is satisfied that the claimant's normal weekly wage was €783-00. The claimant found work at an equivalent level of pay to that he had been receiving from the respondent seventeen weeks after the dismissal. Accordingly, the Tribunal awards €13,311-00 under the Unfair Dismissals Acts, 1977 to 2007.

The Tribunal further awards €1,566-00, being two weeks' pay, under the Minimum Notice and Terms of Employment Acts, 1973 to 2005.

It should be noted that payments from the Social Insurance Fund are limited to a maximum of €600-00 per week.

Sealed with the Seal of the
Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)