

off for the funeral of her sister-in-law but that an argument had ensued with her supervisor (hereafter referred to as SUP) who refused the request. The claimant left work that day and, that evening, the claimant rang SUP to clear the air whereupon she was informed that her job was gone in that she had been dismissed.

Giving sworn testimony at the Tribunal hearing, the claimant confirmed her commencement date as 27 January 2008 and said that she had worked as a cleaner at an army camp. However, by the end of 2009 her life was being made difficult in that she was having difficulties with SUP from fault-finding regarding the cleaning of windows to the refusal of leave requests.

Regarding Monday 22 March 2010, SUP said that another employee was taking a day off. The claimant's sister-in-law had had a baby but the baby had died. The claimant only got ten minutes' notice about the death. The claimant's working day started at 12.30 p.m.. She asked SUP for time off but not for the whole day. She would be back by 1.00 p.m..

However, SUP would not listen. There were five hundred troops in the dining-room. SUP shouted at her and would not give her fifteen minutes off. A co-worker made a joke of it. The claimant said that she did not want any more of this and that she was leaving. SUP told her that, if she left, she was not to come back. The claimant left.

At about eight o'clock that evening the claimant called to SUP's home and apologised. SUP said that her job was gone. The claimant did not expect that. She "was in total shock". She "did not want to cause hassle".

On that Friday (26 March 2010) the claimant rang the respondent company whereupon JNN told her to send a letter whereupon the respondent would investigate the matter. The claimant asked who had let her go. However, she did not even receive an acknowledgement. In April she received her P45. She was not paid beyond 22 March 2010.

Following her dismissal the claimant made efforts to mitigate her loss seeking work in shops and hotels but was not successful.

A representative appeared from the offices of the Liquidator of the Respondent company (hereinafter called DMCC). DMCC said to the Tribunal on behalf of the respondent that the claimant's testimony was not being contested and that the liquidator would comply with any award made by the Tribunal.

Determination:

The Tribunal examined documentation submitted and heard testimony from the claimant to the effect that the amount of working hours she received per week was dependent on the number of days, if any, that there were troops at the camp in any week. The Tribunal assessed her average weekly gross pay at €153.45.

The appeal under the Redundancy Payments Acts, 1967 to 2007, fails because the Tribunal finds that there was no redundancy.

Under the Unfair Dismissals Acts, 1977 to 2007, the Tribunal finds that the claimant was unfairly dismissed and, in all the circumstances of the case including any contribution or attempts at mitigation of loss, the Tribunal deems it just and equitable to award the

claimant compensation of €7,979.40 (this amount being equivalent to fifty-two weeks' gross pay at €153.45 per week) under the said legislation.

In addition, the Tribunal awards the claimant the sum of €306.90 (this amount being equivalent to two weeks' gross pay at €153.45 per week) in allowing the claim made under the Minimum Notice and Terms of Employment Acts, 1973 to 2005.

Sealed with the Seal of the
Employment Appeals Tribunal

This _____
(Sgd.) _____
(CHAIRMAN)

