

**EMPLOYMENT APPEALS TRIBUNAL**

CLAIM(S) OF:  
EMPLOYEE  
(*claimant*)

CASE NO.  
  
MN1391/2011  
WT526/2011

Against

EMPLOYER

under

**MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2005  
ORGANISATION OF WORKING TIME ACT, 1997**

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Mr. P. O'Leary B L

Members: Mr. L. Tobin  
Mr F. Keoghan

heard this claim at Dublin on 19th October 2012

Representation:

\_\_\_\_\_

Claimants(s) : In person

Respondent(s) :

The decision of the Tribunal was as follows:

The respondent operates a take away outlet and employed the claimant from 30<sup>th</sup> June 2010 until 9<sup>th</sup> June 2011.

The Tribunal dismissed the claim under the Unfair Dismissals Acts as per the T1a form, as the claimant did not have the required service.

It was the respondent's evidence that the claimant left of her own accord when she failed to show up for rostered duty after she was refused time for a job interview. He explained that he told the claimant she probably would not have a job if she did not show up on time and the claimant had said that was fine with her.

It was the claimant's evidence that when she told the respondent she would be late by half an hour, he told her she was dismissed and therefore she did not arrive for work as per the roster.

The claimant indicated that she did not get paid for some public holidays but could not identify

what public holidays were unpaid. The claimant told the Tribunal that she could not put forward any evidence in this regard. The respondent denied that public holiday entitlements were not met.

With regard to the Minimum Notice, the respondent maintained that he telephoned the claimant to allow her to work her minimum notice but the claimant denied that she had received a telephone call from the respondent. The claimant confirmed to the Tribunal that she did not work in any employment during the one week notice period.

### **Determination**

Based on the evidence adduced, the Tribunal awards the appellant her statutory entitlement of € 186.20, being the sum due for one weeks' notice, under the Minimum Notice and Terms of Employment Acts, 1973 to 2005.

The claim under the Organisation of Working Time Act, 1997 fails due to lack of evidence from the claimant.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

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

(CHAIRMAN)