

EMPLOYMENT APPEALS TRIBUNAL

CLAIM(S) OF:

CASE NO.

EMPLOYEE
- *claimant*

UD2305/2010

Against

EMPLOYER- *respondent*

under

UNFAIR DISMISSALS ACTS, 1977 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms N. O'Carroll-Kelly B.L.

Members: Mr M. Carr
Mr O. Nulty

heard this claim at Drogheda on 21 September 2012

Representation:

Claimant(s) : in person

Respondent(s) : no appearance by or on behalf of the respondent

Determination

The Tribunal heard uncontested evidence from the claimant of her employment with the respondent which commenced in and around November 2006. Her role was head waitress and she had a good working relationship with the company. On returning from a period of annual leave she was busy preparing for the day when a regular customer came into the bar. She poured him a pint of cider, he gave her the money and she left the cash on top of the till. She later entered the amount and the cash in the till. Another customer also a regular ordered a coffee and bread which she didn't charge for and acknowledged that this was a mistake on her part. The following day on the 17 August 2010 she was off work and the manager contacted her asking her to call to the office. He informed her that he noticed on camera that someone had come in to the bar and she had not put any money in to the till. He accused her of putting the money in her pocket. She denied this and stated that the camera would show she entered the money later but he disagreed. The claimant was upset and she asked him to look at the till roll and the reading for the day would show the money was entered. He refused to listen and told her to leave and not return.

The Tribunal is satisfied that all parties were on notice of the hearing including the liquidator. The respondent failed to carry out any investigation in this case. Based on the uncontested

evidence of the claimant no procedures were in place to deal with such circumstances and the claimant was not afforded any right of appeal. In all the circumstances the Tribunal find the claimant was unfairly dismissed and award her the sum of €18,000 under the Unfair Dismissals Acts, 1977 to 2007.

Sealed with the Seal of the
Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)