

## EMPLOYMENT APPEALS TRIBUNAL

CLAIM(S) OF:  
EMPLOYEE

(*claimant*)

CASE NO.  
UD922/2011  
RP1573/2011  
MN1056/2011

Against

EMPLOYER (*respondent*)

Under

**UNFAIR DISMISSALS ACTS, 1977 TO 2007**  
**REDUNDANCY PAYMENTS ACTS, 1967 TO 2007**  
**MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2005**

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Ms. M. Levey B.L.

Members: Mr F. Moloney  
Mr F. Barry

heard this claim at Dublin on 5th October 2012

Representation:  
\_\_\_\_\_

Claimant(s) :

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

The determination of the Tribunal was as follows:

The claimant was employed as the Financial Controller with the respondent company from 15<sup>th</sup> July 2008 until 15<sup>th</sup> December, 2010. The case involved an allegation of theft by the respondent against the claimant arising out of which the claimant was dismissed from his employment.

Giving evidence, the claimant stated that on 15<sup>th</sup> December, 2010 the Directors of the company accused him of the theft of cash from the premises which occurred on 14<sup>th</sup> December 2010. The claimant denied the allegation and gave a statement to gardai on 15<sup>th</sup> December 2010. He told the gardai of the CCTV footage available if required but there was no follow up by the gardai in relation to the accusation.

The Directors told the claimant on 15<sup>th</sup> December, 2010 not to come back to work and verbally abused him. No verbal or written warnings were given to the claimant and no investigation was carried out by the respondent company. No letter of dismissal was ever given to the claimant.

The claimant gave evidence pertaining to loss and his efforts to mitigate the loss.

**Determination**

On the uncontested evidence of the claimant, the Tribunal finds that the claimant was unfairly dismissed and awards the claimant €63,710.33 under the Unfair Dismissals Acts, 1977 to 2007.

The Tribunal also awards the claimant his statutory entitlement of €2,692.16 being the sum due for two weeks' notice, under the Minimum Notice and Terms of Employment Acts, 1973 to 2005.

The Tribunal notes that the claim under the Redundancy Payments Acts, 1967 to 2007 was withdrawn.

Sealed with the Seal of the  
Employment Appeals Tribunal

This \_\_\_\_\_

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