

EMPLOYMENT APPEALS TRIBUNAL

CLAIM OF:
EMPLOYEE

CASE NO.
UD882/2011
MN1022/2011

Against

EMPLOYER

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 L. Ó Catháin

Members: Ms M. Sweeney
Ms H. Kelleher

heard this claim at Cork on 17th September 2012

Representation:

Claimant:

Respondent,

The determination of the Tribunal was as follows:-

At the outset the Tribunal was advised by the respondent's representative that the liquidator was not in a position to contest the claim.

Claimant's case:

NC gave evidence that he began work as a stock controller in 1992 and progressed to branch manager with the respondent in 2002. In August of 2010 he received an e-mail from his H.R. manager regarding his use of internal e-mail and advising him of a pending investigation. He received notification of the investigative meeting on 18th October and the meeting took place two days later. At the meeting he was handed various sheets of paper and the material was reviewed. All the material was taken back from him and he continued to work as normal until 18th November. He received a telephone call looking for permission for IT to look at his e-mail account. NC granted permission and received a telephone call 30/40 minutes later advising him of a follow up meeting at 8.30am the next morning. He was told at the meeting that the respondent viewed the abuse of e-mail seriously, his telephone and keys were taken from him and he was dismissed for reason of

gross misconduct. NC appealed the decision to dismiss but the decision was upheld. Evidence of loss was provided to the Tribunal.

Determination:

Based on the uncontested evidence and having considered the written documentation produced the Tribunal finds the claimant was unfairly dismissed. Accordingly the Tribunal awards the sum of €30,000.00 under the Unfair Dismissals Act, 1977 to 2007.

The claimant is entitled to eight weeks gross pay in lieu of notice in the amount of €8,555.60 (€1,069.45 per week) under the Minimum Notice and Terms of Employment Acts, 1973 to 2005.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

