

EMPLOYMENT APPEALS TRIBUNAL

CLAIM OF:
EMPLOYEE

CASE NO.
UD623/2011
WT250/2011

against
EMPLOYER

under

**UNFAIR DISMISSALS ACTS, 1977 TO 2007
ORGANISATION OF WORKING TIME ACT, 1997**

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms P. McGrath B.L.

Members: Mr C. McHugh
Mr J. Dorney

heard this claim at Naas on 18th October 2012

Representation:

Claimant:

Respondent: No appearance by or on behalf of respondent

Claimant's case:

At the outset the claimant withdrew the claim under the Organisation of Working Time Act 1997.

It was the claimant's case that he was approached by a hotel group in March 2008 and asked if he would consider running a hotel they had problems with. He was local to the area and went in for a few weeks to sort it out. The claimant was then approached by the owners of the hotel who wanted to take it back from the group and run it themselves. He was given the position of general manager and worked around the clock to get the business operating efficiently. Over the first two years of employment he reduced the losses of the hotel dramatically.

The claimant received a telephone call to say a new banqueting manager RN had been appointed to the hotel at the direction of the bank. He later was invited to a meeting with the owners of the hotel and told he was being dismissed, the reason given was that the bank had advised them that the hotel no longer needed a general manger. The new banqueting manager was later introduced to staff as the new hotel manager.

Determination:

The claimant gave uncontested evidence that he was unfairly selected for redundancy in and around August 2010. The Tribunal fully accepts that the claimants position was not made redundant and that a named individual (RN) was put in the claimants position and the Tribunal therefore finds that the claimant was unfairly dismissed.

The claimant was determined and assiduous in his attempts to find alternative employment. Unfortunately the claimant was out of work up to October of 2011 save insofar as the claimant had a fourteen week contract in and around June 2011. In total the claimant was out of work for 41 weeks and based on his full salary with the respondent company the claimant is entitled to €42,879.00

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

