

## EMPLOYMENT APPEALS TRIBUNAL

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

**CASE NO.**  
MN250/2011

against  
EMPLOYER  
- *respondent*  
under

### MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2005

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Mr R. Maguire, B.L.

Members: Mr R. Murphy  
Mr G. Whyte

heard this claim at Dublin on 20th June 2012  
and 30th August 2012

#### **Representation:**

Claimants(s) : Ms. Cathy Hamilton BL instructed by;  
Mr. Padraig Murphy, Solicitor, 54 South William Street, Dublin 2

Respondent(s) : Mr Warren Parkes, Warren Parkes Solicitors, Suite 317, The Capel Building,  
Mary's Abbey, Dublin 7

**This case was heard in conjunction with UD 1452/2011 and the appeals under PW 334/2011 and TE 203/2011**

The decision of the Tribunal was as follows:-

#### **Background:**

The claimant was employed from July 29<sup>th</sup> 2009 as a Security Guard mainly working on a building site. In 2008 the respondent company had a staff of over 300. However with the recession affecting the construction industry, work began to dry up. The claimant, and other staff, were put on lay off on October 11<sup>th</sup> 2009. The claimant was going on holidays in early October 2010 and was told by the Security Manager to contact him on his return to see if there was any work, but did not promise there would be. On his return from holidays, he says, he was let go. He was chosen on a last in first out basis (LIFO). He received his P45 in December 2010.

**Determination:**

The Tribunal have carefully considered the evidence adduced in this particular case and finds the claimant was given no prior notice of his dismissal. Accordingly the Tribunal awards the sum of € 298.00, this being one week's wages, under the Minimum Notice and Terms and Terms of Employments Acts, 1973 to 2005.

Sealed with the Seal of the  
Employment Appeals Tribunal

This \_\_\_\_\_

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