

**EMPLOYMENT APPEALS TRIBUNAL**

CLAIMS OF:

CASE NO.

EMPLOYEE – **Claimant**

UD2411/2011

RP2957/2011

MN2422/2011

WT966/2011

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**  
**ORGANISATION OF WORKING TIME ACT, 1997**

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Ms C. Egan BL

Members: Mr B. O'Carroll  
Ms H. Henry

heard these claims at Roscommon on 15 November 2012

**Representation:**

Claimant:

Ms Avril Flannery, Dillon-Leetch & Comerford Solicitors,  
Main Street, Ballyhaunis, Co. Mayo

Respondent:

No appearance by or representation on behalf of the respondent

The determination of the Tribunal was as follows:

At the outset the claim under the Redundancy Payments Acts, 1967 to 2007 was withdrawn.

**Determination:**

Being satisfied that the respondent was properly on notice of the hearing the Tribunal proceeded to hear the claims. In circumstances where the respondent was not in a position to give evidence the claim under the Unfair Dismissals Acts must succeed as the onus of proof rests on the respondent to satisfy the Tribunal that the dismissal was not unfair. The claimant was dismissed on 29 June 2011. Having heard evidence of loss that the claimant found work at a reduced rate of pay after some three months and considering that the respondent ceased trading on going into liquidation on 24

May 2012 the Tribunal awards €16,000-00 under the Unfair Dismissals Acts, 1977 to 2007.

Loss having been established, the Tribunal awards €916-00, being two weeks' pay, under the Minimum Notice and Terms of Employment Acts, 1973 to 2005.

The Tribunal further awards €916-00, being the equivalent of two weeks' pay, in respect of unpaid holidays under the Organisation of Working Time Act, 1997.

Sealed with the Seal of the  
Employment Appeals Tribunal

This \_\_\_\_\_

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