

**EMPLOYMENT APPEALS TRIBUNAL**

CLAIM OF:  
EMPLOYEE

CASE NO.  
UD1277/2011, MN1387/2011  
WT523/2011

against

EMPLOYER 1 and  
EMPLOYER 2

Under

**UNFAIR DISMISSALS ACTS, 1977 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 P. McGrath B.L.

Members: Ms A. Gaule  
Mr N. Dowling

heard this claim at Dublin on 14th November 2012

**Representation:**

Claimant : In person

Respondent : Mr. Michael McAteer, Grant Thornton, Chartered Accountants,  
24/26 City Quay, Dublin 2 and  
Mr. Tom Kavanagh, Kavanagh Fennell, Insolvency, Simmons Court House,  
Simmons Court Road, Ballsbridge, Dublin 4

The determination of the Tribunal was as follows:

The Tribunal is satisfied that the respondent was properly notified of this hearing.  
Neither the respondent nor representatives on its behalf appeared for this hearing.

The Tribunal has carefully listened to the evidence adduced by the claimant in respect of his claim for constructive dismissal.

The Tribunal accepts that the employer breached the terms and conditions of the employee's employment. The employee was clearly not listened to and his angry grievances were not being addressed by his employer. The claimant acted fairly reasonably and proportionately when he handed in his resignation as his situation had become unbearable. The employee has made some effort to obtain employment since his resignation in December of 2010.

In allowing the claim under the Unfair Dismissals Acts, 1977 to 2007 the Tribunal awards the claimant the sum of twenty-three weeks salary (at a ceiling of €600.00 per week) compensation, a total of €13,800.00.

The appeals under the Minimum Notice and Terms of Employment Acts, 1973 to 2005, and the Organisation of Working Time Act, 1997 were withdrawn during the hearing.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

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