

## EMPLOYMENT APPEALS TRIBUNAL

### CLAIM OF:

James Moyne, 12, Carolina Park, Letterkenny, Co. Donegal - **Claimant**

against

EMPLOYER- **Respondent**

EMPLOYER- **Respondent**

under

### CASE NO.

UD533/2011

MN575/2011

WT210/2011

### 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: Dr. A. Courell BL

Members: Mr. D. Morrison  
Ms. R. Kerrigan

heard this appeal at Letterkenny on 11th July 2012

### Representation:

Claimant:: Gallagher & Brennan, Solicitors, House B, Carnamuggagh Upper,  
Kilmacrennan Road, Letterkenny, Co. Donegal

Respondent(s) : Not Present or Represented

At the outset the claim under the Organisation of Working Time Act, 1997 was withdrawn.

### Background:

The claimant was employed with the respondent as a General Assistant from 2004. He worked long hours and had no contract of employment. He had no "ticket" to drive the forklift but he did so anyway. In December 2010 he received a call from his brother looking for assistance in moving house. He requested time off and organised a replacement.

On his return to the yard he noticed a gentleman in the company uniform. He spoke to management who told him that he was not keeping the place tidy. He went to his jeep. The Manager drove over to him and told him to go home. He went to the Citizens Information Centre for advice.

The claimant gave evidence of loss.

**Determination:**

Having waited a half-hour for the respondent or a representative to arrive the Tribunal heard the uncontested evidence of the claimant. On the balance of probabilities the Tribunal finds in favour of the claimant and awards him the sum of € 4,200.00 under the Unfair Dismissals Acts, 1977 to 2007.

Loss having been established the Tribunal awards the sum of € 420.00, this being one weeks gross pay, under the Minimum Notice and Terms of Employment Acts, 1973 to 2005.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

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