

EMPLOYMENT APPEALS TRIBUNAL

CLAIMS OF:

EMPLOYEE - *claimant*

CASE NO.

UD161/2011
MN163/2011
WT36/2011

Against

EMPLOYER - *respondent*

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. K. T. O'Mahony B.L.
Members: Mr D. Hegarty
Mr D. McEvoy

heard this claim at Cork on 28th June 2012

Representation:

Claimant: In person

Respondent : No appearance by or on behalf of respondent

The claimant commenced employment with the respondent in April 2008 .In February 2010 the claimant booked annual leave for the period 1-15 July 2010. On his return to work on 16 July 2010 the claimant was dismissed by the general manager.

Determination.

The Tribunal is satisfied that the respondent had been properly put on notice of the hearing. The uncontroverted evidence of the claimant was that he was dismissed on 16 July 2010. Section 6(1) of the Unfair Dismissals Act, 1977 provides that "*the dismissal of an employee shall be deemed to be an unfair dismissal unless, having regard to all the circumstances, there were substantial grounds justifying the dismissal.*" Due to the failure of the respondent to attend at the hearing, no grounds, substantial or otherwise, were adduced to justify the dismissal. The Tribunal is therefore satisfied that the dismissal was unfair and awards the claimant €36,680.00 under the Unfair Dismissals Acts 1977 to 2007.

The Tribunal further awards the claimant €1,288.46, being two weeks' gross pay, under the Minimum Notice and Terms of Employment Acts, 1973 to 2005.

The claim under the Organisation of Working Time Act, 1997 was withdrawn by the claimant.

Sealed with the Seal of the
Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)