

EMPLOYMENT APPEALS TRIBUNAL

CLAIM(S) OF:
EMPLOYEE

CASE NO.
UD453/2011
MN467/2011

against

EMPLOYER

under

**UNFAIR DISMISSALS ACTS, 1977 TO 2007
MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2005**

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr. P. Wallace

Members: Mr. G. Andrews
Mr. J. Flavin

heard this case in Limerick on 22 November 2012

Representation:

Claimant(s):
Ms. Tracey O'Brien, O'Gorman, Solicitors,
Munster House, 75a O'Connell Street, Limerick

Respondent(s):
No attendance or representation at the hearing

The determination of the Tribunal was as follows:-

It was alleged that the claimant had been unfairly dismissed without notice in that he had been unfairly selected for redundancy after an employment from 19 January 2006 to 2 September 2010.

Giving sworn testimony at the Tribunal hearing, the claimant said that he had been told that one of three employees would have to be let go. When he was interviewed individually he told his employer that he had experience and could do the others' jobs. He was told that his employer had plans for the other two. He said that the other two had been there less time and that he could do stores work as well as either of the other two. However, he was told that he was the one being made redundant and was just "shoved out the door". He received a redundancy lump sum

of €4212.00.

The claimant did not succeed in efforts to mitigate his loss by obtaining new employment.

The claimant told the Tribunal that the other two employees had only been there a few months and that he had heard that someone else had been taken on.

No evidence was offered at the hearing by or on behalf of the respondent.

Determination:

Having carefully considered the evidence adduced, the Tribunal accepts the uncontested testimony of the claimant that he was unfairly selected for redundancy and, allowing the claim under the Unfair Dismissals Acts, 1977 to 2007, deems it just and equitable in all the circumstances of the case, to award him compensation under the said legislation in the amount of €39,681.20 (this amount being equivalent to 104 weeks' gross pay at €422.05 per week less the sum of €4,212.00 already received as a redundancy lump sum).

The Tribunal allows the claim under the Minimum Notice and Terms of Employment Acts, 1973 to 2005, and awards the claimant the sum of €844.10 (this amount being equivalent to two weeks' gross pay at €422.05 per week) under the said legislation.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)