

EMPLOYMENT APPEALS TRIBUNAL

APPEALS OF:

CASE NO.

EMPLOYEE - **Appellant/Employee**

UD1129/2011

PW198/2011

against the recommendation of the Rights Commissioner **R-097589-UD-10/SR** and the decision of the Rights Commissioner **R-097588-PW-10/SR** in the case of:

EMPLOYER - **Respondent/Employer**

under

UNFAIR DISMISSALS ACTS, 1977 TO 2007 PAYMENT OF WAGES ACT, 1991

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms E. Daly BL

Members: Mr D. Morrison
Ms A. Moore

heard these appeals at Letterkenny on 5 February 2013

Representation:

Appellant:
In person

Respondent:
No appearance by or representation on behalf of the respondent

The determination of the Tribunal was as follows:-

This case came before the Tribunal by way of an employee appealing against the recommendation of the Rights Commissioner reference **R-097589-UD-10/SR** and against the decision of the Rights Commissioner **R-097588-PW-10/SR**

For clarification purposes the appellant shall be referred to as the employee and the respondent as the employer

Determination:

Being satisfied that the employer was properly on notice of the hearing the Tribunal proceeded to hear the claims. In circumstances where the employer was not in a position to give evidence the Tribunal considered the uncontroverted evidence of the employee and is satisfied that the circumstances of 10 August 2010 were such as to justify his claim of constructive dismissal.

Having considered the employee's evidence of loss the Tribunal awards €2,400-00 under the Unfair Dismissals Acts, 1977 to 2007.

The Tribunal is also satisfied that the employee did not receive his entitlements to holiday pay and accordingly awards €1,600-00, being the equivalent of two weeks' pay under the Payment of Wages Act, 1991.

It should be noted that payments from the social insurance fund are limited to a maximum of €600-00 per week.

Sealed with the Seal of the
Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)