

**EMPLOYMENT APPEALS TRIBUNAL**

**CLAIM(S) OF:**

EMPLOYEE - *claimant*

**CASE NO.**  
MN171/2011  
UD168/2011  
WT39/2011

against

EMPLOYER 1 - *respondent 1*

EMPLOYER 2 - *respondent 2*

under

**MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2005**  
**UNFAIR DISMISSALS ACTS, 1977 TO 2007**  
**ORGANISATION OF WORKING TIME ACT, 1997**

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Ms. K. T. O'Mahony B.L.

Members: Mr. P. Casey  
Ms H. Kelleher

heard this claim at Cork on 15th June 2012

**Representation:**

Claimant(s) : Mr. David Gaffney, Coakley Moloney, Solicitors, 49 South Mall, Cork

Respondent(s) : Not Present or Represented

The determination of the Tribunal was as follows:-

**Determination:**

The Tribunal is satisfied that the respondents were properly notified of the date of the hearing.

The uncontroverted evidence of the claimant was that he was dismissed on 11 November 2010. Section 6(1) of the Unfair Dismissals Act, 1977 provides that "*the dismissal of an employees 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 therefore deems the dismissal to be unfair. and awards the claimant the sum of €28,500.00 under the Unfair Dismissals Acts, 1977 to 2007.

Loss having been established the Tribunal awards the sum of € 1,429.16, this being two weeks wages, under the Minimum Notice and Terms of Employment Acts, 1973 to 2005.

The Tribunal also awards the sum of €1,572.07, this being nine days annual leave and two bank holidays under the Organisation of Working Time Act, 1997.

Sealed with the Seal of the  
Employment Appeals Tribunal

This \_\_\_\_\_

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