

EMPLOYMENT APPEALS TRIBUNAL

CLAIMS OF:

CASE NO.

EMPLOYEE – **Claimant**

UD1329/2011
MN1420/2011

against

EMPLOYER 1

- **First Named Respondent**

EMPLOYER 2

- **Second Named Respondent**

EMPLOYER 3

- **Third Named Respondent**

EMPLOYER 4

- **Fourth Named Respondent**

EMPLOYER 5

- **Fifth Named Respondent**

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: Ms J. McGovern BL

Members: Mr G. McAuliffe
Mr F. Keogh

heard these claims at Dublin on 28 November 2012

Representation:

Claimant:

Ms Christine Ryan BL instructed by Mr Philip O’Riada,
O’Riada Solicitors, Liffey House, Primrose Hill,
Celbridge, Co. Kildare

Respondent:

Mr Brian Conroy BL instructed by Ms Kate Cremins,
Ivor Fitzpatrick & Co. Solicitors, 44-45 St. Stephen’s Green,
Dublin 2 for the first four named respondents. No appearance
or representation on behalf of the fifth named respondent

The determination of the Tribunal was as follows:

At the outset of the hearing it was accepted on behalf of the claimant that he had been employed by the fifth named respondent. Accordingly, the claims against the first four named respondents were withdrawn.

Determination:

Being satisfied that the fifth named respondent was properly on notice of the hearing the Tribunal proceeded to hear the claims. In circumstances where the respondent was not in a position to give evidence the claim under the Unfair Dismissals Acts must succeed as the onus of proof rests on the respondent to satisfy the Tribunal that the dismissal was not unfair. The claimant worked for the respondent from July 2009 and was dismissed on 31 December 2010. Having heard evidence of loss, that the claimant found part-time work, some six months after his dismissal, and then full-time work, at a reduced rate of pay from the €931-00 per week he was receiving from the fifth named respondent, after some 21 months, the Tribunal awards €80,204-00 under the Unfair Dismissals Acts, 1977 to 2007.

Loss having been established, the Tribunal awards €931-00, being one week's pay, under the Minimum Notice and Terms of Employment Acts, 1973 to 2005.

The Tribunal further awards €916-00, being the equivalent of two weeks' pay, in respect of unpaid holidays under the Organisation of Working Time Act, 1997.

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)