

## EMPLOYMENT APPEALS TRIBUNAL

### CLAIM OF:

EMPLOYEE -claimant

### CASE NO.

UD314/10  
RP504/10  
MN289/10

### against

EMPLOYER - respondent

### under

### UNFAIR DISMISSALS ACTS, 1977 TO 2007

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Mr T. Taaffe

Members: Mr D. Moore  
Ms N. Greene

heard this claim at Naas on 11<sup>th</sup> January 2013.

### Representation:

Claimant: Mr. Richard Grogan, Richard Grogan & Associates, 16-17 College Green  
Dublin 2

Respondent: A Former Director of the Respondent

At the outset of the hearing the claim under the Redundancy Payments Acts, 1967 to 2007 was withdrawn.

The determination of the Tribunal was as follows:

### Determination:

The Tribunal carefully considered all of the evidence adduced both verbal and written.

The respondent denies that he dismissed the claimant and it is therefore for the claimant to establish this.

The Tribunal is satisfied and determines that the claimant's employment terminated as a result of he not possessing a particular driving licence that was necessary for his employment.

The Tribunal determines that this termination did not take place as a result of he being dismissed by

the respondent. The claimant's claim under the Unfair Dismissals Acts, 1977 to 2007 fails and the Tribunal so determines.

The claim under the Minimum Notice and Terms of Employment Acts, 1973 to 2005 also fails.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

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