

EMPLOYMENT APPEALS TRIBUNAL

CLAIMS OF:

CASE NOS.

EMPLOYEE – *claimant*

UD1585/2011
MN1650/2011

against

EMPLOYER – *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: Mr D. Mac Carthy SC

Members: Mr G. McAuliffe
Mr G. Whyte

heard this claim at Dublin on 3rd January 2013

Representation:

Claimant: In person

Respondent: Mr Eddie Keenan of Construction Industry Federation,
Construction House, Canal Road, Dublin 6

The determination of the Tribunal was as follows:-

Determination

The claimant had previously brought a case before the Tribunal under the Redundancy Payments Acts 1967 to 2007: reference RP2730/2010, in respect of this termination of his employment. The Tribunal has already determined that the claimant was redundant and he accepted that he had been redundant. The claim under the Unfair Dismissals Acts 1977 to 2007 fails.

The claimant told the Tribunal that he did not get 2 weeks' notice, as the respondent had said. But the claimant's own documents submitted to the Tribunal contradicted him. The Tribunal is satisfied that he was given 2 weeks' notice.

However following the logic of the previous determination regarding the claimant's continuity of service, it is clear that service was more than 5 years. When the Tribunal brought this to the attention of the respondent's representative, he conceded that 2 weeks' notice was due.

Accordingly the claimant is awarded the balance of 2 weeks' pay, the sum of €1258.44 under the Minimum Notice and Terms of Employment Acts 1973 to 2005.

Sealed with the Seal of the
Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)