

**EMPLOYMENT APPEALS TRIBUNAL**

CLAIM(S) OF:  
EMPLOYEE – *claimant*

CASE NO.  
UD1700/2011  
MN1758/2011

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: Ms F. Crawford B.L.

Members: Mr A. O'Mara  
Mr J. Flannery

heard this claim at Drogheda on 12th February 2013

Representation:

\_\_\_\_\_

Claimant(s): Mr Michael Woods  
Woods Ahern Mullen  
Solicitors  
3rd Floor Elgee Building, Market Square, Dundalk, Co Louth

Respondent(s): No appearance by or on behalf of the Liquidator

The determination of the Tribunal was as follows:-

There was no appearance by or representation on behalf of the Liquidator of the respondent company. The Tribunal is satisfied that the Liquidator was on notice of the hearing.

The claimant gave evidence. The respondent company operated a construction business. He commenced his employment in 2004. On 5<sup>th</sup> May 2011 the claimant suffered a back injury while at work. He slipped as he was carrying a fire door down a flight of stairs. He returned his vehicle to the yard and went home. Later that evening he developed back pain. The next day he phoned his employer and informed him that he was going to visit his GP. His GP gave him an illness certificate and said that he required an x-ray.

A week or two later he received a letter from his employer, dated 16 May 2011, which stated

that he had resigned. He phoned his employer to state that he had not resigned and that he was ill with a back injury. His employer put pressure on him to return to work. A few days later his P45 was put through his letterbox. He instructed a solicitor to act on his behalf.

The claimant has not worked since due to his injury and is not available for work.

**Determination:**

Having heard the uncontested evidence of the claimant the Tribunal finds that he was unfairly dismissed. The Tribunal notes that the claimant has been unavailable for work since his dismissal and accordingly the maximum compensation it can award under the Unfair Dismissals Acts, 1977 to 2007, is four weeks' pay. Accordingly, the Tribunal awards the claimant €2,238.84, being four weeks' pay, under the Unfair Dismissals Acts, 1977 to 2007.

The Tribunal also awards the claimant €2,238.84 in respect of four weeks' pay under the Minimum Notice and Terms of Employment Acts, 1973 to 2005.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

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