

EMPLOYMENT APPEALS TRIBUNAL

CLAIM(S) OF:

CASE NO.

EMPLOYEE

MN2002/2011
UD1958/2011

against

EMPLOYER

under

MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2005 UNFAIR DISMISSALS ACTS, 1977 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr. D. Mac Carthy S C

Members: Mr G. Mc Auliffe
Mr A. Butler

heard this claim at Dublin on 26th February 2013

Representation:

Claimant(s): Mr. Ciarán Lalor BL instructed by Eamonn O O'Hanrahan & Co, Solicitors,
Lexington House, 71 Ballybough Road, Fairview, Dublin 3

Respondent(s): No attendance or representation by or on behalf of the respondent

The determination of the Tribunal was as follows:-

Determination

The claimant told the Tribunal he was employed as a shop assistant with the respondent from 7th March 2010 until 23rd May 2011. His employment was uneventful until the 23rd May 2011 when he received a text message from the respondent as follows: "Sorry but I can't give you another chance, have already advertised the job. Will need to get keys of the shop back and will have your P45 next Wednesday with your last week's wages and any holiday pay you are due."

He was unemployed after he was dismissed until October 2011 when he obtained a temporary job for five weeks in a shop until 2nd December 2011. He obtained further employment on November 2012 at a similar rate of pay.

As the respondent did not attend to show any substantial ground justifying dismissal, that

dismissal is deemed to be unfair under section 6 of the Unfair Dismissals Act.

Section 7(2) (c) of the 1977 Act provides for compensation,

“payment by the employer to the employee of such compensation (not exceeding in amount 104 weeks remuneration in respect of the employment from which he was dismissed calculated in accordance with regulations under section 17 of this Act) in respect of any financial loss incurred by him and attributable to the dismissal as is just and equitable having regard to all the circumstances”.

On the uncontested evidence of the claimant the Tribunal finds that he was unfairly dismissed and awards him compensation of €22,000.00 under the Unfair Dismissals Acts, 1977 to 2007.

The claimant’s employment terminated without notice and he is entitled to one weeks gross pay in the amount of €324.00 under the Minimum Notice and Terms of Employment Acts, 1973 to 2005.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)