

## EMPLOYMENT APPEALS TRIBUNAL

CLAIM(S) OF:  
EMPLOYEE - *claimant*

CASE NO.  
UD1757/2011

Against

EMPLOYER - *respondent*

under

### UNFAIR DISMISSALS ACTS, 1977 TO 2007

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Ms. M. Levey B.L.

Members: Mr W. Power  
Mr M. O'Reilly

heard this claim at Dublin on 30th January 2013

Representation:

Claimant(s) :

Ms. Ailbhe Murphy, Daniel Spring & Co, Solicitors, 50 Fitzwilliam Square, Dublin 2

Respondent(s) :

Ms. Paula O'Hanlon, IBEC, Confederation House, 84/86 Lower Baggot Street, Dublin 2

The determination of the Tribunal was as follows:-

#### **Preliminary Issue**

The Tribunal heard an application made by the respondent's representative seeking an adjournment. The adjournment was sought due to the death of a close family friend of the managing director of the respondent company who was the only witness.

Further details of the circumstances was requested by the Tribunal. Following a brief adjournment the respondent's representative read a communication from the respondent which was previously not available to her. It referred to the death of the father of an employee whom he would have to cover for due to the absence of the employee.

#### **Determination**

The Tribunal considered the application and refused to grant the adjournment. The original reason given for the respondent's non-attendance at the hearing, conflicted with the subsequent reason put forward by the representative.

In the circumstances the burden of proof lay with the respondent to prove the dismissal was fair.

There was no appearance by the respondent. The Tribunal therefore find that the claimant was unfairly dismissed. Taking into consideration the redundancy and other monies paid, the Tribunal awards the claimant €38,000 under the Unfair Dismissals Acts, 1977 to 2007.

Sealed with the Seal of the  
Employment Appeals Tribunal

This \_\_\_\_\_

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