

EMPLOYMENT APPEALS TRIBUNAL

CLAIMS OF:
EMPLOYEE

CASE NO.
UD1643/2011

MN1692/2011 ,
-claimant RP2176/2011

against

EMPLOYER *-respondent*

under

UNFAIR DISMISSALS ACTS, 1977 TO 2007
REDUNDANCY PAYMENTS ACTS, 1967 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 S C
Members: Mr. L. Tobin
Mr. J. Dorney

heard this claim at Dublin on 6th March 2013

Representation:

Claimant:

Respondent:

Background:

The claimant's position was that she was unfairly dismissed because the respondent failed to follow correct procedures in dismissing her. That she did not receive verbal or written warnings nor did she receive a contract of employment. The position of the claimant and legal arguments were presented to the Tribunal by her representative. The respondent company's joint managing directors put forward their position. Documentation from both parties was presented to the Tribunal.

Determination:

Having heard the submissions and arguments from both sides in this case the Tribunal makes the following determination:

The Tribunal find that it is clear from all of the documents provided that the claimant received a contract of employment. The Tribunal are inclined to find that on the balance of probability that the claimant received the warnings. There were substantial grounds justifying the dismissal. We cannot fault the procedure that the respondent followed.

On that basis the claims under the Unfair Dismissals Acts, 1977 To 2007 fails. The claim under the Redundancy Payments Acts 1967 to 2007 fails. The claim under the Minimum Notice and Terms of Employment Acts, 1973 to 2005 was withdrawn.

Sealed with the Seal of the
Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

