

EMPLOYMENT APPEALS TRIBUNAL

CLAIMS OF:
EMPLOYEE *-claimant*

CASE NO.
UD1625/2011
MN1680/2011

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. K. T. O'Mahony B.L.

Members: Mr T. Gill
Ms H. Henry

heard this claim at Ennis on 24th January 2013

Representation:

Claimant:

Respondent:

The company liquidator appeared on behalf of the respondent. He did not contest the claimant's claim for unfair dismissal.

Claimant's Case

The claimant was employed initially as a deli counter assistant and later became the restaurant manager. When the claimant came into work on 04 April 2011 she discovered that the premises had already been set up to open by the owner. She found this unusual. The claimant started work as normal and was then called to a meeting with the owner. The owner/respondent informed the claimant that she was terminating her contract of employment with immediate effect because of irreconcilable differences. The claimant left the workplace. The previous Friday the owner was 'very annoyed' with her because she was unable to work extra hours. The respondent company went into liquidation in April 2012.

Determination

Based on the uncontroverted evidence of the claimant, the Tribunal finds that the claimant was

dismissed. As the respondent did not offer any evidence to discharge the onus of proof that rests on the employer under s.6 (6) of the Unfair Dismissal Acts, the Tribunal, applying s.6 (1) of the Acts, deems the dismissal to be unfair. Accordingly, the claim under the Acts succeeds. Having heard evidence of loss the Tribunal awards the claimant the sum of €5,775.00 by way of compensation under the Unfair Dismissals Acts, 1977 to 2007.

The Tribunal finds that the claim under the Minimum Notice and Terms of Employment Acts, 1973 to 2005 succeeds and awards the claimant €462.00, being the equivalent to 2 weeks' gross pay in lieu of notice under the Minimum Notice and Terms of Employment Acts, 1973 to 2005.

Sealed with the Seal of the
Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)