

EMPLOYMENT APPEALS TRIBUNAL

CLAIM(S) OF:
EMPLOYEE
- *claimant*

CASE NO.
RP2757/2010
UD2030/2010

WT900/2010

MN1970/2010

against
EMPLOYER - *respondent*

under

**MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2005
ORGANISATION OF WORKING TIME ACT, 1997
REDUNDANCY PAYMENTS ACTS, 1967 TO 2007
UNFAIR DISMISSALS ACTS, 1977 TO 2007**

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr P. Hurley

Members: Mr G. Andrews
Mr O. Wills

heard this claim at Limerick on 29th November 2012

Representation:

Claimant(s) :

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

The claim under the Redundancy Payments Acts 1967 to 2007 was withdrawn by the claimant's representative at the commencement of the hearing.

Claimant's Case

The claimant gave direct uncontested evidence that he commenced working for the respondent in December 2006 and continued to work for the respondent until his dismissal in August 2010. He gave evidence that he incurred injuries in the workplace while working for the respondent on two separate occasions. He was due to return to Poland for medical treatment but on the evening of 19 August 2010 he was told by the respondent that he was fired and was accused of stealing from the respondent. He asked the respondent to prove this allegation and the

respondent used foul language to him stating that he does not have to prove anything.

The claimant returned from Poland four days later and called to the respondent. He sought to return to work but the respondent again told him that he had been fired. He then wanted to collect his tools from the respondent's premises but the respondent refused to return his tools. He gave further evidence that he was never provided with a contract of employment or an employee handbook. He only received two weeks holidays in the preceding 12 months before the termination of his employment and received no notice of the termination of his employment.

The Tribunal heard further evidence that he has not been in employment since the termination of his employment with the respondent. From August 2010 until January 2012 he was in receipt of €250 per week from Department of Social Protection. He described this payment as injury at work money, sick pay money. From January 2012 he has been in receipt of job seekers allowance.

Determination

The Tribunal is satisfied based on the uncontested evidence of the claimant that he was unfairly dismissed from his employment and awards compensation in the sum of **(to be completed by Patrick)** under the Unfair Dismissals Acts 1977 to 2007.

The Tribunal also awards the claimant the sum of €840.00, this sum being the equivalent of two weeks pay under the Minimum Notice and Terms of Employment Acts 1973 to 2005.

Furthermore the Tribunal awards the claimant the sum of €840.00 under the Organisation of Working Time Act, 1997.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

