

EMPLOYMENT APPEALS TRIBUNAL

CLAIM(S) OF:

CASE NO.

EMPLOYEE

UD2404/2011

claimant

against

EMPLOYER

respondent

under

UNFAIR DISMISSALS ACTS, 1977 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr. D. Mac Carthy S C

Members: Ms A. Gaule
Mr F. Barry

heard this claim at Dublin on 30th April 2013

Representation:

Claimant(s):

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

The determination of the Tribunal was as follows:-

Determination

The claimant was employed as a kitchen manager cum chef. He commenced employment with the respondent on the 6th November 2006. He was dismissed from his employment on the 13th April 2011. He was unemployed for a number of weeks after his dismissal. He obtained alternative employment on the 13th June 2011 until 22nd April 2012 at a lesser rate of pay. He then obtained further employment on the 28th June 2012.

The Tribunal had correspondence from the respondent that it was not participating in the hearing. Under Section 6 of the Unfair Dismissals Act it is for the employer to show substantial grounds for dismissal:-

- (6) "In determining for the purposes of this Act whether the dismissal of an employee was an unfair dismissal or not, it shall be for the employer to show that the dismissal resulted wholly or mainly from one or more of the matters specified in subsection (4) of this section or that there were other substantial grounds justifying the dismissal".

The employer failed to attend and the dismissal is deemed to be unfair.

On the uncontroverted evidence of the claimant the Tribunal awards the claimant compensation of €21,100.00 under the Unfair Dismissals Acts, 1977 to 2007

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____

(CHAIRMAN)

