

## **EMPLOYMENT APPEALS TRIBUNAL**

### **CLAIM OF:**

EMPLOYEE

### **CASE NO.**

RP2327/11  
MN1845/11  
UD1786/11

- Claimant

### **Against**

EMPLOYER

- respondent

### **under**

**MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2005  
REDUNDANCY PAYMENTS ACTS, 1967 TO 2007  
UNFAIR DISMISSALS ACTS, 1977 TO 2007**

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Ms Dorothy Donovan B.L.

Members: Mr James Hennessy  
Mr John Flavin

heard this claim at Waterford on 21st May 2013.

### **Representation:**

Claimant:

Respondent:

The representative for the respondent confirmed that the liquidator was aware of the claim before the Tribunal.

At the outset of the hearing, the name of the respondent was amended to read Aero-Clean Ireland Limited. Also the claim under the Redundancy Payments Acts, 1967 to 2007 was withdrawn.

The determination of the Tribunal was as follows:-

**Determination:**

On the uncontested evidence of the claimant and the submission of the legal representative for the respondent the Tribunal finds that the dismissal of the claimant was effected without affording the claimant fair procedures. Accordingly, the claim under the *Unfair Dismissals Acts 1977-2007* succeeds and the Tribunal awards the claimant compensation in the amount of €1,500.00 over and above the redundancy lump sum of €1,750.66 already paid to the claimant. The Tribunal does not believe that the respondent intended to act unfairly but was experiencing difficult times and needed to reduce staff.

As the claimant received two weeks' notice by letter dated 15<sup>th</sup> September 2011 and was paid during that period the claim under the *Minimum Notice and Terms of Employment Acts 1973 to 2005* fails.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

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