

EMPLOYMENT APPEALS TRIBUNAL

CLAIM(S) OF:

Employee

- *claimant*

against

Employer

- *respondent*

under

CASE NO.

UD1219/2008

UNFAIR DISMISSALS ACTS, 1977 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr P. Hurley

Members: Mr E. Handley
Mr F. Barry

heard this claim at Portlaoise on 6th May 2009

Representation:

Claimant(s) : In Person

Respondent(s) : In Person

The determination of the Tribunal was as follows:-

It was agreed at the outset that the claimant's weekly wage was € 855.50.

Respondent's Case:

The owner of the company gave evidence. He stated that his company had completed sub-contracted work for two companies that had since gone into liquidation leaving his company a debt of over € 200,000. He could not pay his staff and informed them of the situation.

On October 3rd 2008 he could not pay the claimant his full wages. He contacted the claimant by phone the Sunday evening telling him he needed tools out of the company van that the claimant had packed at his house. The following morning he arrived at the claimant's house and discovered the claimant had not left the keys for him. He was very annoyed and had to smash the van window to gain access. He texted the claimant and told him he was fired. He told the Tribunal that he had "lost the head" that morning.

By the following Wednesday he had calmed down, reflected on what he had done and contacted the claimant to offer him his job back. He did not receive a reply to his offer. No other staff had been let go but had left of their own choice. There were no staff employed in the company at the time of

the hearing. The claimant was not the last person to leave.

Claimant's Case:

The claimant gave evidence. He stated that he had not been paid any wages for the last three weeks of his employment with the respondent. He had rang constantly looking for them. He had to borrow money to pay the bills.

He said that he had received a text to leave the van keys out for a colleague of his to collect tools. He told the respondent if he paid the money owed he would leave the keys out. The following morning he saw the broken window in the van. He received a text from the respondent telling him he was fired. He was also informed that € 786 was lodged into his account and the balance of € 509 would be lodged on Friday. It was not.

Determination:

The Tribunal awards the claimant the sum of € 3,075.50 under the Unfair Dismissals Acts, 1977 to 2007.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)