

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:

Employee

- *claimant*

CASE NO.

MN1307/2008

against

Employer

- *respondent*

under

MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2005

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms. N. O'Carroll-Kelly B.L.

Members: Mr. J. O'Neill
Ms. M. Maher

heard this claim at Dublin on 5th June 2009

Representation:

Claimants(s): In person

Respondent(s): No appearance or representation

The decision of the Tribunal was as follows:-

(A number of documents were opened to the Tribunal at the commencement of the hearing).

Claimant's case:

In his sworn evidence, the claimant confirmed that his employment with the respondent commenced on 1 August 1997 and continued without a break until 31 October 2008. He worked forty to sixty hours per week and earned an average of €918.00 gross per week.

The claimant received notice of the termination of his employment and was issued with his P45 form on the last day that he worked for the respondent. He and his work colleagues were summoned to the respondent's business address, where they were told by the respondent that he had no money to pay them, that he was unable to continue and was closing the business.

The claimant confirmed that he had a good relationship with the respondent. The respondent had been working for a number of different building contractors when he closed his business and the claimant had no notice that this was going to happen. The claimant had been working on the restoration of a house and the work was almost finished when the respondent closed.

Determination:

The Tribunal is satisfied that the respondent was duly notified of the hearing. However there was no appearance by them or representation on their behalf.

Having considered the uncontested evidence, the Tribunal finds that the claimant's employment was terminated without notice, therefore the claim under the Minimum Notice and Terms of Employment Acts, 1973 to 2005 succeeds. In line with the duration of his employment service with the respondent, the claimant had a statutory entitlement to six weeks notice of the termination of his employment or six weeks pay in lieu of notice. Accordingly, the Tribunal awards the claimant €5,508.00 in lieu of that notice.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)