

EMPLOYMENT APPEALS TRIBUNAL

APPEALS OF:
Employee – *claimant*

CASE NOS.
UD1465/2008
RP1311/2008
MN1413/2008
WT599/2008

against

2 Employers – *respondent*

under

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

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms. P. McGrath BL

Members: Mr. E. Handley
Mr. G. Whyte

heard this appeal at Dublin on 22 June 2009

Representation:

Appellant: Mr. Nathan Jones BL instructed by Chris Ryan Solicitors,
18 North King Street, Dublin 7

Respondent: No appearance or representation

The decision of the Tribunal was as follows:

The Tribunal is satisfied that the respondent was properly notified of the Hearing. The Tribunal heard the claimant's evidence.

Determination

Based on the uncontested evidence of the claimant the Tribunal finds that she was unfairly dismissed by the respondent while she was on maternity leave from her position. The claimant is awarded €22,360.00. The claim under the Unfair Dismissals Acts, 1977 to 2007 succeeds.

As the claimant cannot claim both unfair dismissal and redundancy for the same termination of employment the claim under the Redundancy Payments Acts, 1967 to 2007 is dismissed.

The claim under the Minimum Notice and Terms of Employment Acts, 1973 to 2005 fails as the claimant was not in a position to work notice when she was dismissed.

The claim under the Organisation of Working Time Act, 1997 succeeds and the claimant is awarded €860.00.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)