

EMPLOYMENT APPEALS TRIBUNAL

CLAIM(S) OF:
EMPLOYEE

CASE NO.
MN1030/200

- claimant
UD1015/2009

WT449/2 009

against
EMPLOYER

- respondent

under

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

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr D. Hayes BL

Members: Mr D. Moore
Mr G. Whyte

heard this claim at Dublin on 10th March 2010

Representation:

Claimant(s) : Mr Ross McMahon, David F McMahon & Company, Solicitors,
Prosperity Chambers, 5/6 Upper O'Connell Street, Dublin 1

Respondent(s) : Not present or represented

The determination of the Tribunal was as follows:-

At the outset the claim under the Organisation of Working Time Acts, 1977 was withdrawn.

Determination:

The Tribunal is satisfied that the respondents were properly notified of this hearing. Neither they nor representatives on their behalf appeared for this case. It is noted that neither they nor their representatives attended a hearing before the Rights Commissioners on October 16th 2009.

The claimant gave evidence of having been dismissed on February 28th 2009. There was no evidence to rebut the presumption of dismissal. Accordingly the Tribunal is satisfied the claimant was unfairly dismissed and awards the sum of € 29,000.00 under the Unfair Dismissals Acts, 1977

to 2007.

Loss having been established and there being no evidence to suggest summary dismissal was justified, the Tribunal awards the sum of € 1,000.00, this being one weeks gross wages, under the Minimum Notice and Terms of Employment Acts, 1973 to 2005.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)