

## EMPLOYMENT APPEALS TRIBUNAL

CLAIM OF:

CASE NO.

EMPLOYEE – **Claimant**

MN144/2009

against

EMPLOYER -**Respondent**

under

### MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2005

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Mr J Flanagan BL

Members: Mr G McAuliffe  
Ms E Brezina

heard this claim at Mullingar on 8<sup>th</sup> September and 27<sup>th</sup> October 2009

#### **Representation:**

Claimant:

In person on the first day of hearing only

Respondent:

Mr Pat Caulfield, Kelly Caulfield Shaw Solicitors,  
1 Chapterhouse, Friars Mill Road, Mullingar, Co. Westmeath  
on the second day of hearing only

The decision of the Tribunal was as follows: -

#### **Determination**

The claimant was employed as a tyre-fitter from 15<sup>th</sup> July 2008. He was dismissed on 28<sup>th</sup> November 2008. On the first day of hearing the claimant acknowledged that he had received a cheque for €400-00 from the respondent. The claimant's case was that he had also been owed monies for outstanding holidays and unpaid wages and that the respondent had made unauthorised deductions from these amounts as an offset in respect of monies the respondent had allegedly lent to the claimant. The respondent was unable to attend the Tribunal on the first day of hearing due to a serious family emergency and the claimant acknowledged the reality of this difficulty.

On the second day the claimant failed to appear and when contacted by the secretary to the Tribunal by telephone he stated that he had forgotten about the hearing and that he would not be attending. The Tribunal was satisfied that the claimant was properly on notice of the hearing and that the claimant had accepted a cheque from the respondent in the amount claimed for minimum notice and therefore the Tribunal holds that the claim under the Minimum Notice Acts, 1973 to 2005 fails.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

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