

EMPLOYMENT APPEALS TRIBUNAL

Claims Of:
EMPLOYEE -**Claimant**

Case No.
MN1802/2009
WT1045/2010

against

EMPLOYER -**Respondent**

under

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 D. Donovan B.L.

Members: Mr J. Browne
 Mr F. Dorgan

heard this claim at Wexford on 29th November 2010

Representation:

Claimant: In person

Respondent: No appearance or representation on behalf of the respondent.

The decision of the Tribunal was as follows:

The claimant gave evidence that his employment commenced on 8th June 2004 and terminated on 7th August 2009. The claimant's gross weekly pay was €657.90. It was the claimant's case that he had not been paid in lieu of notice and that he was entitled to four weeks' pay given his length of service.

The claimant sought to amend form T1A to include a claim under the Organisation of Working Time Act, 1997 as he had an outstanding entitlement under this Act. The claimant submitted a copy of a letter he had received from the liquidator in this regard.

Determination:

Based on the claimant's uncontested evidence the Tribunal is satisfied that the claimant is entitled to the sum of €2,631.60 (being the equivalent of four weeks' gross pay) under the Minimum Notice and Terms of Employment Acts, 1973 to 2005.

The Tribunal is satisfied from letter dated 22nd November 2010 (from the liquidator to the claimant) that the liquidator was aware of an outstanding issue in relation to the claimant's holiday pay. Therefore, form T1A was amended to include a claim under the Organisation of Working

ime Act, 1997. Accordingly, the Tribunal awards the claimant the sum of €1,315.80 (being the equivalent of ten days' gross pay) under the Organisation of Working Time Act, 1997.

Sealed with the Seal of the
Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)