

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:

CASE NO.

EMPLOYEE (*appellant*)

UD515/2010

against the recommendation of the Rights Commissioner in the case of:

EMPLOYER (*respondent*)

under

UNFAIR DISMISSALS ACTS, 1977 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr M. O'Connell B.L.

Members: Mr. A. O'Mara
Mr J. Maher

heard this appeal at Dublin on 15th July 2011

Representation:

Appellant(s) :

Siptu, Membership Information & Support Centre, Liberty
Hall, Dublin 1

Respondent(s) :

No appearance by or on behalf of respondent

The determination of the Tribunal was as follows:

This case came before the Tribunal by way of an employee appeal of a Rights Commissioner recommendation under the Unfair Dismissals Acts, 1997 to 2007, reference r-079576-ud-09/DI.

The claimant stated that he worked for the respondent from 14th November 2005 until 26th January 2009 on a weekly salary of €703.56. He was let go due to the downturn and had appealed the lay-off on the basis of unfair selection for redundancy. The claimant stated he has not been working since 2009, although he has been for a number of interviews during the intervening period. The claimant received a redundancy payment of €6,700.

Determination

The Tribunal noted that there was no appearance by or on behalf of the respondent. The Tribunal went on to consider oral and documentary evidence on behalf of the appellant. Specifically, the Tribunal heard how the appellant having worked with the respondent for just over three years on a basic weekly salary of €703.56, was dismissed on 26th January 2009. He believed he was unfairly selected for redundancy. This claim was not contested by virtue of the non-appearance of the respondent. The Tribunal also heard evidence that the appellant who has made great efforts to secure employment, has been out of work since he was dismissed in January 2009. He added he had received a redundancy payment of €6,700.

In all of the circumstances, the Tribunal determines his dismissal unfair and awards the sum of €50,000.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)