

## EMPLOYMENT APPEALS TRIBUNAL

CLAIM OF:  
EMPLOYEE (**Claimant**)

MN733/2010

CASE NO.

UD782/2010

Against

EMPLOYER (**Respondent**)

under

### MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2005 UNFAIR DISMISSALS ACTS, 1977 TO 2007

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Mr. J. Revington S.C.

Members: Mr. G. Mc Auliffe  
Mr. S. O'Donnell

heard this claim in Dublin on 20<sup>th</sup> July 2011

Representation:

Claimant:- Mr Ivan Williams, Williams, Solicitors, 29/30 Dame Street,  
Dublin 2

Respondent:- No appearance by or on behalf of the respondent

The decision the Tribunal was as follows:-

There was no appearance by or on behalf of the respondent company. The Tribunal was satisfied that it had been properly put on notice of the hearing.

#### **Claimant's Case**

The claimant was employed by the respondent company to make and fit window blinds.

In April 2009, he was put on a 3 day working week due to a downturn in business.

On 1<sup>st</sup> December 2009, the managing director (TE) told him that there would be no work for him during the month of December but to return in the first week of the New Year, January 2010. The claimant went home to family in Poland. On 17<sup>th</sup> December 2009 he received a text message from TE saying that there would be no work for him in January or February 2010 so it might be best if he stayed in Poland. The claimant returned to Ireland at the end of January 2010.

He went to the factory to find out what was happening and was met by CK, a co-director who was angry that he showed up.

The claimant then sent an e-mail to TE asking what was his employment status. He did not receive a reply. He subsequently received his P45 in February 2010 stating that his employment had ceased on 31/12/2009.

Being unsuccessful in obtaining employment in Ireland the claimant returned to Poland in April 2010.

### **Determination**

In the light of the foregoing and in the absence of any evidence from the Respondent, the Tribunal, in applying the provisions of section 6(6) of the Unfair Dismissals Act 1977, determines that the dismissal of the claimant was unfair.

The Tribunal determines that an award to the claimant in the amount of €10,000.00, represents just and equitable compensation, pursuant to the provisions of the Unfair Dismissals Acts, 1977 to 2007 . In determining the amount of compensation payable, the Tribunal had regard to the measures of the claimant to avail of all reasonable measures to mitigate his financial losses attributable to his dismissal and note his return from Poland for the Tribunal hearing.

The claim under the Minimum Notice and Terms Of Employment Acts, 1973 to 2005, succeeds and the Tribunal awards the claimant one weeks gross pay in lieu of notice,

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

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

