

EMPLOYMENT APPEALS TRIBUNAL

CLAIM OF:

CASE NO.

EMPLOYEE (*claimant*)

UD139/2010

Against

EMPLOYER (*respondent*)

under

UNFAIR DISMISSALS ACTS, 1977 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms D. Donovan

Members: Mr M. Carr
Mr J. Maher

heard this claim at Dublin on 20th April 2011

Representation:

Claimant(s) :

In person

Respondent(s) :

No appearance

The determination of the Tribunal was as follows:-

At the outset, dates of commencement and termination of employment and gross pay were confirmed by the claimant as per the Form T1A. The claimant confirmed that he worked every week.

The claimant stated that on the 30th July 2009 he was summoned to the office by a senior manager in relation to a loan application. The claimant was informed that the person on the application did not exist and that it was a fraudulent loan. The claimant told the Tribunal that the loan in question was not fraudulent and he explained to the Tribunal the process and detail of the particular application and stated that the repayments on the loan were being made.

The claimant stated that the respondent told him that his contract was not being continued and he was dismissed on 4th August 2009. No other reason was given to the claimant for ending his contract. The claimant stated that he was unfairly dismissed. He received no notice or verbal or written warnings. The claimant confirmed that he did not receive a contract of employment and if he signed anything it was years ago. The claimant was aware of the disciplinary procedures of the company. He said this procedure was not followed. He did not know in advance of the meeting or why it was taking place. He was not offered an appeals procedure.

The claimant is not working now and hasn't since the dismissal although he did try to obtain employment. He had a heart attack and was not available for work since November 2010.

Determination

On the uncontested evidence of the claimant the Tribunal finds that the claimant was unfairly dismissed and that fair procedures were not afforded to the claimant regarding the dismissal. Accordingly the claim under the *Unfair Dismissals Acts, 1977 to 2007* succeeds and the Tribunal awards the claimant the sum of €25,000.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

