

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:

CASE NO.

Employee

MN470/2006
RP367/2006
WT233/2006

against

Employer

under

**MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2001
ORGANISATION OF WORKING TIME ACT, 1997
REDUNDANCY PAYMENTS ACTS, 1967 TO 2003**

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr. D. Mac Carthy S C

Members: Mr J. Hennessy
Ms. E. Brezina

heard this appeal at Kilkenny on 15th May 2007

Representation:

Appellant(s): The appellant in person

Respondent(s): No representation or attendance by or on behalf of the respondent

The decision of the Tribunal was as follows: -

Determination

Registered post addressed to the respondent was returned and ordinary post containing the notice of hearing was returned endorsed "gone away".

The appellant told the Tribunal that he was employed for two years with the respondent company. He reported for work on 15 February 2006 and the owner told him that he was closing down the restaurant. The appellant received two weeks holiday pay in 2005 and he did not receive his minimum notice.

Based on the uncontested evidence of the appellant the Tribunal finds that he is entitled to redundancy under the Redundancy Payments Acts, 1967 to 2003 based on the following criteria: -

Date employment began	28 January 2004
Date employment ended	15 February 2006
Gross weekly pay	€500.00
Date of birth	04 February 1960

As the appellant's employment ceased without notice he is entitled to two weeks' gross pay in the amount of €1000.00 (€500 per week) under the Minimum Notice and Terms of Employment Acts, 1973 to 2001.

The appellant is entitled to holiday pay for two weeks in 2005 and 2.5 days in 2006 totalling €1,250.00 under the Organisation of Working Time Act, 1997. The appellant is also entitled to a public holiday payment for 1 January 2006 in the amount of €100 under the Organisation of Working Time Act, 1997.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

