

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:
Employee

CASE NO.
RP83/2006
MN119/2006

against

2 Employers

under

REDUNDANCY PAYMENTS ACTS, 1967 TO 2003 MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2001

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr. J. Sheedy

Members: Mr. J. Browne
Mr. D. McEvoy

heard this appeal at Waterford on 26th April 2007

Representation:

Appellant(s) : Appeared in Person

Respondent(s) : Appeared in Person

The decision of the Tribunal was as follows:-

The appellant's position was that he had been told by the respondent on the 30th December 2005 that there was no work for him in January. The respondent issued his P45 and when the appellant phoned the office for clarification, he was told that he had been made redundant but there was no money to pay him. He had subsequently met with the respondent and had been told that he would be "sorted out" but this never happened.

The respondent's position was that he had informed the appellant that work was scarce and would be for about eight weeks. He had a job lined up but it was not ready. He did not realise that the appellant had received his P45. It was always his intention to re-hire the appellant but the appellant did not want to return to work at the end of January. The company was dissolved shortly afterwards and is no longer in existence.

Determination:

The Tribunal determines that the respondent had no work to offer the appellant and issued him his P45 thus terminating his employment. The Tribunal is satisfied that a redundancy situation existed and determines that the claimant is entitled to a statutory redundancy lump sum payment under the Redundancy Payments Acts, 1967 to 2003 based on his continuous service and the following information:

Date of Birth: 26th March 1948
Date of Commencement: 1st January 1996
Date of Termination: 22nd December 2005
Gross weekly pay: €450.00

The appellant was not given notice and accordingly the Tribunal awards the appellant €1800.00 (being four weeks' pay) under the Minimum Notice and Terms of Employment Acts, 1973 to 2001.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)