

EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:

Employee

Against

Employer

under

CASE NO.

RP32/2007

REDUNDANCY PAYMENTS ACTS, 1967 TO 2003

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr. D. Mahon B.L.

Members: Mr. M. Flood
Ms K. Garvey

heard this appeal at Naas on 23rd January 2008.

Representation:

Appellant : In Person

Respondent : In Person

The decision of the Tribunal was as follows:-

Appellant's Case:

The appellant commenced employment with the respondent on 15th August 2004. He worked as a storeman. On 18th August 2006 he asked the respondent for permission to travel to Croatia for personal reasons. He travelled to Croatia on 24th August 2006. The respondent gave him up to four weeks leave of absence.

On the appellant's return to Ireland he became aware that the company had ceased trading and staff were made redundant. He called to the office but it was closed. On his third visit to the respondent company he was told he was not eligible for redundancy.

Respondent's Case:

On 17th September 2006 the respondent called his staff into the office and told them that the company was ceasing to trade and that they were being made redundant. Letters and redundancy forms were forwarded to the staff by the Accountant. The respondent tried to contact the appellant by telephone but there was no reply and then he phoned the appellant's landlord. The landlord had no knowledge of the appellant's date of return. The respondent saw no point in writing to the appellant as he assumed he was not there.

Determination:

Having carefully considered the evidence adduced during the hearing the Tribunal finds that the appellant is entitled to a statutory redundancy payment. Therefore the appeal is allowed under the Redundancy Payments Acts, 1967 to 2003 based on the following criteria:

Date of Birth:	4 August 1976
Date of Commencement:	15 August 2004
Date of Termination:	21 September 2006
Gross Weekly Wage:	€375.00

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

