

EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:
Employee

CASE NO.
RP360/2007

against
Employer

under

REDUNDANCY PAYMENTS ACTS, 1967 TO 2003

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms S. Behan
Members: Mr. P. Casey
Ms H. Kelleher

heard this appeal at Cork on 14th January 2008

Representation:

Appellant: Billy Curtin, OPATSI, Unit 2 Ard Alainn Business Park,
Churchfield, Cork

Respondent: Company Representative

The decision of the Tribunal was as follows:

Appellant's case:

The Tribunal heard evidence from the appellant. The appellant is a plasterer by trade. He told the Tribunal that after the date of his employment terminating he waited four weeks or more and phoned the Respondent who told him that there was no work. This went on for some weeks. There was some work that was available on a different work site but he could not do that work as it was done using special or new equipment that he did not use. Therefore there was no similar work available.

Respondent's case:

The Tribunal heard evidence from the Respondent. The witness explained that the Appellant's position was redundant and that the work that was available was not suitable as it entailed "machine work".

Determination:

Based on the evidence the Tribunal is satisfied that a redundancy situation had arisen. The work that was available the Appellant was not able to do; there was no suitable work for the Appellant. The Tribunal determine that the Appellant is entitled to a lump sum payment under the Redundancy Payments Acts, 1967 to 2003, based on his continuous service and the following information:

Date of Birth	29 th March 1943
Date of Commencement:	24 th May 2002
Date of Termination:	26 th February 2007
Gross Weekly Pay:	€690.30

It must be noted that a statutory gross weekly ceiling applies to all payments from the Social Insurance Fund.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)