

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:
Tom Collins, Bella Road, Clogheen, Co. Tipperary

CASE NO.
RP159/2007
MN247/2007

against

Employer

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: Ms. M. Sweeney
Mr. K. O'Connor

heard this appeal in Cork on 29 November 2007

Representation:

Appellant(s) :

Mr. J.F. Dorgan, Asst. General Secretary, T.E.E.U.,
83 Lower Yellow Road, Waterford

Respondent(s) :

Mr. Jonathan Lynch, McGuire Desmond, Solicitors,
5 Lapps Quay, Cork

The decision of the Tribunal was as follows:-

The appellant, through his representative, sought a redundancy lump sum based on continuous service from September 1995 to 24 November 2006, a gross weekly pay of €772.59 (the weekly salary which was appropriate to him at time of termination) and his date of birth which was 22 August 1950. He also sought a minimum notice payment befitting his length of service. Appellant's representative said that appellant had not received notice at time of termination.

Although the respondent did not attend this hearing his representative told the Tribunal that the appellant had worked for XXXX which had gone out of business and had been dissolved. (According to a company search at the Companies Registration Office the effective date for the dissolution of the company was XXXX.) The respondent had subsequently traded "as a sole contractor" but was left with large debts. He had gone away to work on oil rigs

to try to raise funds to pay off debts. There was no suggestion of any animosity between the respondent and the appellant.

Determination:

Under the Minimum Notice and Terms of Employment Acts, 1973 to 2001, the Tribunal awards the appellant the sum of €4635.54 (this amount being equivalent to six weeks' gross pay at €772.59 per week).

Under the Redundancy Payments Acts, 1967 to 2003, the Tribunal finds that appellant is entitled to a redundancy lump sum based on a commencement date of 15 September 1995, his termination date of 24 November 2006, a gross weekly pay of €772.59 and his date of birth which was 22 August 1950.

Note:- In the case of social insurance fund payments a statutory ceiling of €600.00 per week is applicable.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)