

# EMPLOYMENT APPEALS TRIBUNAL

## CORRECTING ORDER

CLAIM OF:

Employee

CASE NO.

UD334/2007, RP145/2007

MN222/2007

Against

Employer

Under

**UNFAIR DISMISSALS ACTS, 1977 TO 2001**

**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: Ms P McGrath B L

Members: Mr M. Noone  
Mr C. Ryan

heard this claim at Wicklow on 20th December 2007

### **Representation:**

Claimant : Ms Eithne Leahy B L instructed by  
Mulvey Kenny & Co., Solicitors, College Street, Carlow

Respondent : No representation listed

The determination of the Tribunal was as follows:

This correcting Order amends the following detail as stated on the original Order signed on 4<sup>th</sup> January 2008 and should be read in conjunction with that Order.

Date of Termination: 29 September 2006

A statutory weekly ceiling of €600.00 applies to payments from the Social Insurance Fund

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

(Sgd.) \_\_\_\_\_  
(CHAIRMAN)

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Respondent : No representation listed

The determination of the Tribunal was as follows:

The Tribunal is satisfied that the respondent was properly notified of this hearing. Neither the company nor a representative on its behalf appeared for this hearing. According to the claimant the respondent went into liquidation on 7 September 2006.

Based on the uncontradicted evidence and submissions from the claimant the Tribunal finds that the claimant was dismissed, without due notice, by way of redundancy. He is therefore awarded a statutory redundancy sum under the Redundancy Payments Acts, 1967 to 2003 based on the following:

Date of Birth: 13 March 1947  
Date of Commencement: 1 March 1991  
Date of Termination: 29 March 2006  
Gross Weekly Wage: €480.00

The appeal under the Minimum Notice and Terms of Employment Acts, 1973 to 2001 is allowed and the appellant is awarded €3360.00 as compensation for seven weeks' outstanding notice.

Since the claim under the Unfair Dismissals Acts, 1977 to 2001 is mutually exclusive with the Redundancy Payments Acts, 1967 to 2003, it follows that this claim is dismissed.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

(Sgd.) \_\_\_\_\_  
(CHAIRMAN)

