

EMPLOYMENT APPEALS TRIBUNAL

APPEALS OF:
Employee

CASE NO.
RP48/2008

MN40/2008
WT15/2008

against

Employer

under

REDUNDANCY PAYMENTS ACTS, 1967 TO 2003
MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2001
ORGANISATION OF WORKING TIME ACT, 1997

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mrs. M. Quinlan
Members: Mr D. Moore
Ms K. Garvey

heard this appeal at Dublin on 8th May 2008

Representation:

Appellant: Mr. Michael Corcoran, 3 Kilmore Close, Artane, Dublin 5

Respondent: Mr Peter Doherty, Bdo Simpson Xavier, Corporate
Recovery, Beaux Lane House, Mercer Street Lower, Dublin 2

Determination:

Having heard from the appellant of his circumstances relating to the above claims, the Tribunal is satisfied that he was dismissed by the respondent by way of redundancy as the company is in Liquidation. Accordingly, his appeal under the Redundancy Payments Acts, 1967 to 2003 is allowed and the Appellant is awarded a statutory payment based on his continuous service whilst noting that the Appellant was on sick benefit from 4th April 2007 up until the above hearing date, and the following information:

Date of Commencement: 21st June 2004
Date of Termination: 29th June 2007
Gross Weekly Wage €551.71

Both parties agreed that the Appellant was due two weeks holiday pay. Accordingly the Tribunal awards the Appellant the sum of €1,103.42, this being two weeks holiday pay, under the Organisation Of Working Time Act, 1997 and this being subject to any statutory requirements in the case of payments from the Social Insurance Fund.

The Appellant told the Tribunal that he was not available to obtain work, as he was not fit for work during his notice period. Accordingly, the appeal under the Minimum Notice and Terms of

Employment Acts, 1973 to 2001 must fail.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)