

## EMPLOYMENT APPEALS TRIBUNAL

CLAIMS OF:  
Employee

CASE NO.  
UD132/2008

RP114/2008  
MN126/2008

WT71/2008  
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  
ORGANISATION OF WORKING TIME ACT, 1997**

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Ms. E. Daly B.L.  
Members: Mr. B. O'Carroll  
Mr J. Le Cumbre

heard this claim at Longford on 15th July 2008

Representation:

Claimant: Ms Mary Murtagh, County Longford Citizens Information  
Service, Longford Shopping Centre, Co. Longford

Respondent: No appearance or representation

The determination of the Tribunal was as follows:

The Tribunal is satisfied that proper notification was sent to the Respondent.  
The Tribunal heard uncontested evidence that the Claimant

**Determination:**

The Tribunal determines that the Claimant was dismissed by reason of redundancy. Accordingly the claim under the Unfair Dismissals Acts, 1977 to 2001 is dismissed. The claim under the Redundancy Payments Acts, 1967 to 2003 succeeds. Accordingly, his appeal under the Redundancy Payments Acts, 1967 to 2003 is allowed and the Appellant is awarded a statutory lump sum payment based on his continuous service and the following information:

Date of Commencement: 01st January 2004  
Date of Termination: 05th November 2007

Gross Weekly Wage: €750.00

"This award is made subject to the appellant having been in insurable employment under the Social Welfare Acts during the relevant period and noting that there is a Statutory gross weekly pay ceiling.

The claim under the Minimum Notice and Terms Of Employment Acts, 1973 to 2001 fails. as the Claimant opted to choose redundancy and therefore voluntarily left his employment.

It was put to the Tribunal that the Claimant was due holiday pay: that for the years 2004, 2005 and 2006 he only received two weeks holidays for each of those years. Accordingly the Tribunal awards the Appellant the sum of €4,500.00, this being six 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.

Sealed with the Seal of the  
Employment Appeals Tribunal

This \_\_\_\_\_

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