

EMPLOYMENT APPEALS TRIBUNAL

CLAIMS OF:
Employe

CASE NO.
UD1105/2007
RP636/2007

against
Employer

under

UNFAIR DISMISSALS ACTS, 1977 TO 2001 REDUNDANCY PAYMENTS ACTS, 1967 TO 2003

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr. P. O'Leary B L
Members: Mr R. Murphy
Mr O. Nulty

heard this claim at Navan on 9th June 2008

Representation:

Appellant: Mr. Blazej Nowak, 19 Talbot Street, Dublin 1

Respondent: Mr Eugene McLaughlin, EML & Associates,
Genoa House, 1a Drummartin Road, Dublin 14

The determination of the Tribunal was as follows:

Determination:

The claim under the Unfair Dismissals Acts, 1977 to 2001, was withdrawn from the outset.

The representative for the Appellant told the Tribunal that the working week was a thirty-nine hour week and that the Appellant worked four to five hour's overtime. He also submitted that the rate of pay for the Appellant was €14.52 per hour per the Registered Employment A greement (Construction Industry Wages and Conditions of Employment) Variation Order, 2006.

The Tribunal determines that the Appellant's gross weekly pay is €653.40
€566.28 plus €87.12 i.e. 39 hours @ €14.52 per hour and 4 hours @ €21.78.

The representative for the Appellant was asked by the Tribunal if the Appellant received notice and he replied that the Appellant did.

The Tribunal determines that the Appellant was dismissed by reason of redundancy. Accordingly, the 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: 10th September 2004
Date of Termination: 02nd October 2007
Gross Weekly Wage: €653.40

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.

Sealed with the Seal of the
Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)