

## **EMPLOYMENT APPEALS TRIBUNAL**

### **APPEAL(S) OF:**

Employee

and

Employee

against

5 Employers

under

### **CASE NO.**

RP344/2007

MN518/2007

RP1055/2007

MN520/2007

### **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. B. Glynn

Members: Mr. B. O'Carroll  
Mr. P. Clarke

heard this appeal at Roscommon on 29th September 2008

### **Representation:**

Appellant(s): Mr. Anthony McCormack, SIPTU, Sligo Branch, Hanson Retail Park,  
Cleveragh, Sligo

Respondent(s): No appearance or representation

The decision of the Tribunal was as follows:-

### **Appellants' case**

In sworn evidence, the Tribunal were told that the appellants, who are wife and husband, commenced employment in April 2002 and May 2002 respectively and their employment ended in November 2006. Their daily start and finish times varied but they both worked the same hours and did the same type of work. In November 2006, the appellants returned to their own country for a holiday and when they returned to Ireland, they discovered that their employer had closed down in December.

Both appellants were on work permits, which were due to expire in March 2007. It was confirmed

that neither received payment in respect of redundancy or minimum notice. The original P60 forms of both appellants for the years 2002, 2003, 2004 and 2005 were opened to the Tribunal.

### **Respondent's case**

There was no appearance by or representation on behalf of the respondents. The Tribunal is satisfied that notification of the hearing was properly sent to the respondents.

### **Determination**

Based on the uncontested evidence, the Tribunal is satisfied that a redundancy situation existed. The Tribunal therefore finds that the appeals under the Redundancy Payments Acts, 1967 to 2003 succeed and the appellants are awarded a redundancy lump sum, which is to be calculated on the basis of the following criteria:

<u><i>Appellant A</i></u> (RP344/2007)	<u><i>Appellant B</i></u> (RP1055/2007)
Date of Birth: 02 January 1967	Date of Birth: 29 October 1963
Date of Commencement: 22 April 2002	Date of Commencement: 22 May 2002
Date of Termination: 18 November 2006	Date of Termination: 18 November 2006
Gross Weekly Wage: €370.00	Gross Weekly Wage: €400.00

This award is made subject to the appellants having been in insurable employment under the Social Welfare Acts during the relevant period.

The Tribunal is satisfied on the basis of the evidence adduced that employment terminated without notice. Loss having being established, the Tribunal therefore finds that the appeals under the Minimum Notice and Terms of Employment Acts, 1973 to 2001 succeed and awards two weeks payment in lieu of notice in respect of *appellant A* in the amount of €740.00 and *appellant B* in the amount of €800.00 respectively.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

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