

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:
2 Employees

CASE NO.
RP486/2007

RP487/2007

Against

Employer

under

REDUNDANCY PAYMENTS ACTS, 1967 TO 2003

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr P. Hurley

Members: Mr G. Phelan
Dr. A. Clune

heard this appeal at Ennis on 16th July 2008
and 14th October 2008

Representation:

Appellant(s) :

No representation listed

Respondent(s) :

No representation listed

The decision of the Tribunal was as follows:-

Preliminary Issue

On the first day of the hearing the Tribunal had to consider the issue of whether or not the claim before it was statute barred. Having heard submissions from both parties the Tribunal is satisfied that exceptional circumstances existed which prevented the claimant from bringing the claim within the one year time limit. Accordingly the Tribunal exercises its discretion and extends the time limit to two years thus allowing the substantive claim to be heard.

Determination

On the second day of the hearing there was no appearance by the respondent. The Respondent's solicitor indicated to the Tribunal that he had no instructions from his clients and applied to come off record.

Accepting the first named appellant's uncontroverted evidence, the Tribunal finds that the claim under the Redundancy Payments Acts, 1967 to 2003 succeeds and the appellant is awarded a redundancy lump sum, which is to be calculated on the basis of the following criteria:

Date of Birth:	27 th October 1948
Date of Commencement:	1 st January 1999
Date employment ended:	8 th May 2006
Gross Weekly Wage:	€692.31

This award is made subject to the appellants having been in insurable employment under the Social Welfare Acts during the relevant period which is currently being established by the SCOPE section of the Department of Social and Family Affairs.

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

The second named appellant conceded that she had received her redundancy payment :therefore her claim under the Redundancy Payments Acts 1967 to 2003 is dismissed.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

