

## EMPLOYMENT APPEALS TRIBUNAL

**APPEAL(S) OF:**

**CASE NO.**

Employee

RP224/2008

against

Employer

under

### **REDUNDANCY PAYMENTS ACTS, 1967 TO 2003**

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Ms. K. T. O'Mahony B.L.

Members: Ms. M. Sweeney  
Mr. K. O'Connor

heard this appeal at Killarney on 17th November 2008

#### **Representation:**

Appellant(s): Ms. Marguerite Fitzgerald, Mannix & Co., Solicitors, 12 Castle Street,  
Tralee, Co. Kerry

Respondent(s): No appearance or representation

The decision of the Tribunal was as follows:-

The hearing of this case was scheduled to commence at 2.30pm. The Tribunal waited until 2.55pm before proceeding with the hearing.

#### **Appellant's case:**

On Thursday 4 October 2007, the site foreman told the appellant that things had gone very quiet and he should seek alternative employment but that they would keep his job for him until he secured other work. On a tip from a colleague, the appellant secured alternative employment, which was to commence on the following Monday week. On informing the respondent about the this, the appellant was advised that, if he wished, he did not have to work his notice period. However, he completed the week's work.

Subsequent to the cessation of his employment, the appellant was advised about redundancy and on the day that he visited the respondent to collect his P45 form, he mentioned it to the girl in the office.

The appellant's representative advised the Tribunal that she had twice written to the respondent, the

second time enclosing an RP77 form for completion by them. The respondent had not replied or returned the RP77 form.

**Determination:**

The Tribunal was satisfied that the respondent had been duly notified of the hearing. However, there was no appearance by them or on their behalf.

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

Date of birth:	21 July 1969
Date of commencement:	7 March 2004
Date of notice:	4 October 2007
Date of termination:	12 October 2007
Gross weekly pay:	€450.00

This award is made subject to the appellant's having been in insurable employment under the Social Insurance Acts during the relevant period.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

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