

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:

CASE NO.

Employee

RP544/2008
MN577/2008

against

2 Employers

under

MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2001 REDUNDANCY PAYMENTS ACTS, 1967 TO 2003

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms O. Brennan BL

Members: Mr. B. Kealy
Ms. A. Moore

heard this appeal at Dublin on 17th October 2008

Representation:

Appellant(s): The appellant in person

Respondent(s): In person

The decision of the Tribunal was as follows:-

Respondent's Case

The respondent HB told the Tribunal during Christmas 2007 he was struggling to obtain payment from customers. He paid the appellant his last cheque in May 2008. He told the appellant that he was struggling to keep going and he paid the appellant out of his own money. He notified the appellant verbally and he did not pay the appellant minimum notice or redundancy. He gave a redundancy form to his son to give to the appellant. He stated that his son tried to contact the appellant to give him the redundancy form.

Appellant's Case

The appellant told the Tribunal that he did not receive a redundancy form RP50. He bought a house before Christmas 2007 and his employer told him that he was being let go. His employment ended on 2 May 2008 and he did not receive a redundancy payment. He telephoned his employer in relation to this but his calls were not returned.

Determination

The Tribunal is satisfied that the appellant is entitled to a lump sum payment under the Redundancy Payments Acts, 1967 to 2003 based on the following criteria:

Date of birth	15 March 1977
Gross weekly pay	€979.00
Date employment began	29 November 2001
Date employment ceased	02 May 2008

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

Please note that there is a weekly ceiling of €600 on all awards made from the Social Insurance Fund.

The appellant did not receive his minimum notice entitlement and he is therefore entitled to four weeks gross pay in the amount of €3916 (€979 weekly) under the Minimum Notice and Terms of Employment Acts, 1973 to 2001.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

