

EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:

CASE NO.

Employee

RP547/2008

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 4th December 2008.

Representation:

Appellant : In person.

Respondent : In person

The decision of the Tribunal was as follows:-

Respondent's case:

The respondent gave evidence that just before Christmas 2007, he gave the appellant his weeks pay and holiday pay. He told the appellant that he would have no work for him after Christmas for a few weeks but would contact him once work was available. The appellant contacted him in January and the respondent offered to subcontract the appellant out to another company, but the appellant did not want to work for this company. He gave the appellant a letter so he could claim social welfare and his P 45 as requested. At no stage did he tell him he was letting him go. He has not employed anyone else since the appellant's employment ceased.

Appellant's Case:

The appellant agreed in general with the respondent's evidence. The appellant went to see the respondent in January 2008 to see if any work was available. The respondent told him he could let him go and if he wanted the other company would take him on. He eventually requested his redundancy and completed a RP50 form in May 2008.

Determination

Based on the evidence adduced the Tribunal finds in favour of the appellant. The appellant's job ceased to exist so therefore 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	6 th December 1982
Employment commenced	15 th September 2002
Employment ended	23 rd December 2007
Gross weekly pay	€650.00

It should be noted that a statutory weekly ceiling of €600.00 currently applies to payments from the Social Insurance Fund.

This award is made subject to the appellant fulfilling current social welfare requirements in relation to PRSI contributions.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)