

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:

Employee

CASE NO.

RP663/2008

MN710/2008

against

Employer

under

**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: Mr. B. Garvey BL

Members: Ms. J. Winters
Mr. B. McKenna

heard this appeal at Navan on 5th December 2008

Representation:

Appellant(s): Mr. Ronan O'Reilly, Steen O'Reilly, Solicitors, 31/34 Trimgate Street,
Navan, Co. Meath

Respondent(s): No appearance

The decision of the Tribunal was as follows:-

Appellant's case:

The appellant had been a full time employee of the respondent. On 26 January 2008, she received a telephone call from the wife of the respondent advising her not to open the shop but to box all of the stock as the shop would be closed by the end of that week. She received five days notice of the termination of her employment.

Determination:

The Tribunal was satisfied that the notice of hearing was duly served on the respondent. 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 a redundancy lump sum, which is to be calculated on the basis of the following criteria:

Date of birth:	08 September 1984
Date of commencement:	24 January 2005
Date of notice:	26 January 2008
Date of termination:	31 January 2008
Gross weekly pay:	€400.00

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

As the appellant was in employment for three years, she had a statutory entitlement under the Minimum Notice and Terms of Employment Acts, 1973 to 2001 to two weeks notice or two weeks pay in lieu of notice. As the appellant only received one weeks notice of the termination of her employment, the appeal under the Minimum Notice and Terms of Employment Acts, 1973 to 2001 succeeds and the Tribunal awards compensation of €400.00, this being the equivalent of one weeks pay.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)