

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:
EMPLOYEE – appellant

CASE NO.
RP642/2009
MN611/2009

against

EMPLOYER - respondent

under

REDUNDANCY PAYMENTS ACTS, 1967 TO 2007 MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2005

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr P O'Leary BL

Members: Mr J O'Neill
Mr O Nulty

heard this appeal at Cavan on 29th October 2009

Representation:

Appellant(s): Mr John Mooney
Dublin City Centre CIS, 13a Upper O'Connell Street, Dublin 1

Respondent(s): In person

The decision of the Tribunal was as follows:

At the outset of the hearing the appellant withdrew his appeal under the Redundancy Payments Acts, 1967 to 2007 as he had already received a redundancy payment from the Department of Enterprise, Trade and Employment. The appellant claimed the he had not been paid notice and that he was seeking four weeks pay under the Minimum Notice and Terms of Employment Acts, 1973 to 2005.

The respondent explained that he provided labour to a third party company and that towards the end of 2008 he was having difficulty receiving payment from that company. The appellant took long holiday from the beginning of November until the end of January as work had finished on his site. The third party company had informed the respondent that they were going to refinance and that work would continue, but this did not happen. The respondent told staff in January that their employment would be terminated on 30th January 2009, however the appellant had not returned at this point and was not informed of the date of cessation.

The respondent explained that the company was nearly in liquidation, but that no resolution had been passed on the matter at that point. The respondent furnished a letter to the Tribunal after the hearing stating that the directors of the company had decided to put the company into liquidation.

Determination:

The Tribunal awards the appellant €2,800.00, in respect of four weeks notice under the Minimum Notice and Terms of Employment Acts, 1973 to 2005.

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

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)