

## EMPLOYMENT APPEALS TRIBUNAL

### APPEAL OF:

Employee

- appellant

### CASE NO.

RP853/2008

### Against

Employer

- respondent

### under

## REDUNDANCY PAYMENTS ACTS, 1967 TO 2003

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Ms P. McGrath BL

Members: Mr J. Horan  
Ms P. Ni Sheaghda

heard this appeal at Naas on 16th February 2009.

### Representation:

Appellant: No appearance by or on behalf of the appellant

Respondent : Mr. Tom O'Grady, IBEC, Confederation House, 84/86 Lower Baggot  
Street, Dublin 2

The decision of the Tribunal was as follows:-

### Determination:

It was agreed at the outset that the findings which might be made in the case of MK Case No. RP728/2008, a colleague, should be applied to the appellant's case in circumstances where the appellant, owing to ill health, could not come before the Tribunal in person.

The Tribunal commends the respondent company's sympathetic approach in this regard.

For the reasons outlined in the case of MK (RP728/2008) the Tribunal finds that the appellant herein is entitled to include the period of 4<sup>th</sup> October 1989 to 27<sup>th</sup> August 1991 as reckonable service for redundancy calculation purposes. The appellant's date of birth is 2<sup>nd</sup> February 1944 and his gross weekly wage is €630.00.

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)