

EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:

Employee
RP1031/08

- appellant

CASE NO.
UD1204/08

MN1110/08
WT121/09

against

Employer

-respondent

under

**MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2001
REDUNDANCY PAYMENTS ACTS, 1967 TO 2003
UNFAIR DISMISSALS ACTS, 1977 TO 2001**

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms. M. Levey BL

Members: Mr. D. Winston
Mr P. Trehy

heard this claim at Dublin on 5th January 2009

Representation:

Appellant(s) :

No representation listed

Respondent(s) :

No appearance by or on behalf of the respondent.

The determination of the Tribunal was as follows:

Appellant's Case

The Appellant gave evidence that he received a text from his supervisor on the 7th September 2008 telling him to take the next day off until he sorted more work out, a week later he received his P45 in the post at his home address. He received no notice. During his time with the respondent he had never received any holiday pay, he only received payment for the hours he worked.

Determination

Based on the uncontroverted evidence of the appellant the Tribunal finds 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	20 th July 1967
Employment commenced	23 rd May 2005
Employment ended	14 th September 2008
Gross weekly pay	€729.30

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.

Based on the evidence adduced, loss having been established, the Tribunal makes awards under the Minimum Notice and Terms of Employment Acts, 1973 to 2001 in the amount of €1458.60. The Tribunal also find in the appellants favour in respect of his holiday pay and awards him €6125.88 under the under the Organisation Of Working Time Act, 1997.

As the appellant's appeal for redundancy is successful, his claim under the Unfair Dismissals Acts 1977 to 2001 act must fail as the claims are mutually exclusive.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

