

EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:

CASE NO.

Employee - **Appellant**

RP612/2008

against

MN656/2008

Employer - **Respondent**

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. P. Hurley.

Members: Mr. J. Hennessy
Ms. E. Brezina

heard this appeal at Portlaoise on 2 February 2009

Representation:

Appellant:

Mr. Mark Culleton, Devitt Doorley MacNamara, Solicitors,
Mountrath Road, Portlaoise, Co. Laois

Respondent:

Director of the respondent

The determination of the Tribunal was as follows:

Determination:

The appellant was employed from 2003 and among his responsibilities was the sanitization of the respondent's equipment at their client's premises. In March 2008 a redundancy situation arose in the respondent and most of the employees were made redundant. The respondent had issues with the appellant's work performance but these issues were never brought to his attention. The appellant's P45 was given to him on 14 August 2008 by the managing director with no mention of redundancy pay and no suggestion that his performance was unsatisfactory.

The Tribunal is satisfied that a redundancy situation pertained in the appellant's case. The respondent never brought the questions about the appellant's performance to the appellant's attention before dismissing him. Accordingly the Tribunal is satisfied 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	19 August 1958
Employment commenced	14 August 2003
Employment ended	14 March 2008
Gross weekly pay	€430-00

This award is made subject to the appellant having been in insurable employment under the Social Welfare Acts during the relevant period. The Tribunal further awards €860-00, being two weeks' pay, under the Minimum Notice and Terms of Employment Acts, 1973 to 2001

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)