

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:

Employee

against

3 Employers

under

**REDUNDANCY PAYMENTS ACTS, 1967 TO 2003
MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2001
ORGANISATION OF WORKING TIME ACT, 1997**

CASE NO.

- *appellant*

RP1103/2008

MN1196/2008

WT526/2008

respondent

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr J Flanagan BL

Members: Ms J Winters
Ms M Finnerty

heard this appeal at Dublin on 18th March 2009

Representation:

Appellant(s): In person

Respondent(s): No appearance or representation

The decision of the Tribunal was as follows: -

Determination:

At the commencement of the hearing, the appellant advised the Tribunal that the Social Insurance Fund had paid her claim under the Redundancy Payments Acts, 1967 to 2003, and the appellant then withdrew her redundancy claim from before the Tribunal.

The appellant had nominated three respondents, the first being a limited liability company and the other two being individuals who are or were directors of the company. It appears that the limited liability company has been dissolved and in the circumstances the Tribunal is satisfied to make its orders against each of the respondents jointly and severally.

There was no appearance by or on behalf of the respondents, however the Tribunal is satisfied that the respondents had been duly notified of the hearing.

The Tribunal notes the contents of the letter dated 30th January 2009 and signed by the two individuals originally listed as respondents. In this letter, they state that the claim under the Organisation of Working Time Act, 1997 is out of time. The Tribunal finds that the date of

termination of employment for the purposes of redundancy including the period of minimum notice is 21st April 2008. The form T1-A was filed with the Tribunal on 28th October 2008, approximately one week outside the time limit of six-months for filing claims under the Organisation of Working Time Act, 1997. However, the Tribunal has the power to extend time for a period of a further six months. The Tribunal heard from the appellant of her efforts to deal with the matter of the delays caused by the respondent and the Tribunal finds that reasonable circumstances justify the extension of time, therefore the Tribunal extends time to the full period of one year for the avoidance of doubt such that the claim is on time.

The appellant confirmed the details as set out in her T1-A form were substantially correct. The respondent had ceased trading in Ireland on 31st March 2008 and the appellant was informed of this fact by way of a letter dated 19th March 2008. In that letter, the respondent conceded that the appellant was due a sum of €2451.96 in lieu of notice and a further sum of €817.32 in respect of four days holiday pay. The appellant confirmed that the sums set forth in the letter were correct and were the amounts that she was claiming under the Minimum Notice and Terms of Employment Acts, 1973 to 2001 and the Organisation of Working Time Act, 1997 respectively.

Accordingly, in allowing the claims, the Tribunal awards a sum of €2451.96 under the Minimum Notice and Terms of Employment Acts, 1973 to 2001 as a payment in lieu of notice and a sum of €817.32 under the Organisation of Working Time Act, 1997 in respect of four days holiday pay.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)