

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:
Employee

CASE NO.
- appellant
RP1142/2008

against
Employer -

respondent

under

REDUNDANCY PAYMENTS ACTS, 1967 TO 2003

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr. T. Ryan

Members: Mr R. Murphy
Ms. E. Brezina

heard this appeal at Dublin on 23rd March 2009

Representation:

Appellant(s) : In person

Respondent(s) : In Person

The decision of the Tribunal was as follows:-

Determination

No evidence was given to the Tribunal by the respondent that any discussions took place between the appellant and the respondent, clearly stating out the fact that the appellant was in new employment with the respondent. The witness for the respondent said that his brother discussed the issue with the appellant but his brother was not present to give this evidence and the appellant gave sworn evidence that no such discussions took place. The appellant also gave evidence that there was no break in his employment since he commenced work on the 12 April 1996.

The respondent, in defence did not establish that a new employment had come about due to the absence of any letter of employment or terms of employment and the absence of the executive who arranged for the appellant to work with them.

The Tribunal, therefore allows the appeal and determines that the appellant is entitled to a redundancy lump sum payment under the Redundancy Payments Acts, 1967 to 2003 based on his continuous service and the following information:

Date of Birth:	13 August 1956
Date of commencement of employment:	12 April 1996
Date of termination of employment:	10 October 2008
Gross weekly pay:	€650.00

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

This award is made subject to the appellant having been in insurable employment under the Social Welfare Acts during the relevant period.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

