

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:

Employee

- appellant

CASE NO.

RP706/2008

against

Employer

- respondent

under

REDUNDANCY PAYMENTS ACTS, 1967 TO 2003

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr. E. Murray

Members: Mr. G. Phelan
Mr. A. Kennelly

heard this appeal in Limerick on 19 February 2009

Representation:

Appellant(s):

Ms. Caroline Keane, Sweeney McGann, Solicitors,
67 O'Connell Street, Limerick

Respondent(s):

No attendance nor representation

The decision of the Tribunal was as follows:-

Giving sworn testimony, the appellant said that the respondent's principals lived at the Drumcolliher address given for the respondent on the appellant's appeal form, still traded from there and were doing work on an old people's home there.

The appellant said that his employment with the respondent commenced on 4 October 1999. He was subsequently "subbed out" to a plumber in Adare. However, when the plumber's apprentice returned, the appellant was told by JD (one of the respondent's principals) that there was not enough work for the appellant to finish his two weeks' notice. His employment ended on 2 May 2008. His gross weekly pay at time of termination was €931.05.

The appellant then contacted a citizens information centre about his rights. JD said that he had no money to pay redundancy. Five employees were working after the appellant. Two apprentices were

also let go. They were told that they were entitled to redundancy.

In June 2008 the appellant instructed a firm of solicitors who wrote to the respondent but did not receive a satisfactory reply.

Determination

The Tribunal was satisfied that the respondent carries on business at the Drumcolliher address given on the appellant's appeal form and copied on this determination. Notice of hearing was served on the said address.

Based on the uncontested evidence of the appellant, the Tribunal accepts that a redundancy situation existed. The appellant is awarded a redundancy lump sum under the Redundancy Payments Acts, 1967 to 2003, based on the following information:

| | |
|-----------------------|-----------------|
| Date of Birth | 06 July 1982 |
| Date Employment Began | 04 October 1999 |
| Date Employment Ended | 02 May 2008 |
| Gross Weekly Pay | €931.05 |

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

Note: - Payments from the Social Insurance Fund are subject to a statutory ceiling of €600.00 per week.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)