

EMPLOYMENT APPEALS TRIBUNAL

CLAIM OF:

CASE NO.

Employee

RP515/2008

MN559/2008

- *claimant*

UD1047/2008

WT438/2008

against

2 Employers

- *respondents*

under

**MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2005
ORGANISATION OF WORKING TIME ACT, 1997
REDUNDANCY PAYMENTS ACTS, 1967 TO 2007
UNFAIR DISMISSALS ACTS, 1977 TO 2007**

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms. M. Levey

Members: Mr J. Horan
Ms K. Garvey

heard this claim at Dublin on 5th December 2008

Representation:

Claimant: In person

Respondents: In person

The claim under Organisation of Working Time Act, 1997, was withdrawn on the day of the hearing.

The determination of the Tribunal was as follows:

The respondent (MD) said that he took over the lease from XXXX and understood that he was

required to keep the staff. He tried to keep the business going but did not succeed, so he handed back the lease in March 2008. He said that XXXX are no longer trading. He admitted that he employed the claimant for the period in question.

The claimant said that she was not paid her redundancy entitlement, nor was she given any notice. She is no longer working in the pub.

Determination:

Based on the uncontested evidence of the claimant, the Tribunal finds that she is entitled to a redundancy lump sum under the Redundancy Payments Acts, 1967 to 2007 based on the following details:

Date of Birth	11 April 1981
Date employment commenced	8 November 1999
Date employment ended	30 March 2008
Gross weekly salary	€734.37

(It should be noted that payments from the social insurance fund are limited to a maximum of €600.00 per week.)

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

The Tribunal also awards her €2,937.48 (being the equivalent of 4 weeks pay) under the Minimum Notice and Terms of Employment Acts, 1973 to 2005.

As claims under unfair dismissal and redundancy payments legislation are mutually exclusive, the claim under the Unfair Dismissals Acts, 1977 to 2007, automatically fails.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

