

**EMPLOYMENT APPEALS TRIBUNAL**

APPEAL(S) OF:  
Employee

-Appellant

CASE NO.  
RP1415/2008  
MN1498/2008  
WT637/2008

against  
Employer

- Respondent

under

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

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Mr. T. Taaffe

Members: Mr. P. Pierce  
Mr. J. Dorney

heard this appeal at Dublin on 22nd May 2009

**Representation:**

Appellant: In Person

Respondent: In Person

**The decision of the Tribunal was as follows:**

The Managing Director conceded that a redundancy situation existed in relation to the termination of the appellant's employment. The Managing Director also accepted that the appellant was entitled to minimum notice.

The disputed issue between the parties related to holiday pay. The appellant submitted that he was entitled to a further eight days pay in lieu of holidays. The appellant calculated this on the basis that he was entitled to 20 days annual leave per year.

It was submitted by the secretary of the company that the appellant was paid his remaining holiday entitlement. This was calculated on the basis that the appellant's employment terminated on the 3<sup>rd</sup> October 2008 and that he had taken two week's holiday during the summer of 2008. The appellant was paid holiday pay accrued for September and October 2008.

**Determination:**

The Tribunal awards the appellant a lump sum payment under the Redundancy Payments Acts, 1967 to 2007, based on the following criteria:

Date of Birth: 25<sup>th</sup> November 1980  
Date of Commencement: 13<sup>th</sup> February 2006  
Date of Termination: 03<sup>rd</sup> October 2008  
Gross Weekly Pay: €1,174.77

It should be noted that a statutory weekly ceiling of €600.00 currently 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.

The appellant stated in his T1A form to the Tribunal that the respondent provided him with notice of termination on the 1<sup>st</sup> October 2008 and his employment ended on the 3<sup>rd</sup> October 2008. The Tribunal awards the appellant his remaining minimum notice entitlement of €1,879.63 (being the equivalent of eight days' gross pay) under the Minimum Notice and Terms of Employment Acts, 1973 to 2005.

The Tribunal finds that the respondent paid the appellant any outstanding holiday pay based on his service between the 1<sup>st</sup> January 2008 and the 3<sup>rd</sup> October 2008 (date of termination). Accordingly, the claim under the Organisation of Working Time 1997 is dismissed.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

(Sgd.) \_\_\_\_\_  
(CHAIRMAN)