

EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:
Employee- Appellant

CASE NO.
RP937/2008

MN1011/2008
WT456/2008

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 J. Sheedy

Members: Mr J. Hennessy
Mr D. McEvoy

heard this appeal at Waterford on 3rd April 2009

Representation:

Appellant: Mr. Terry Bryan, Branch Official, SIPTU, Connolly Hall,
Summerhill, Waterford

Respondent: No appearance or representation on behalf of the respondent.

The decision of the Tribunal was as follows:

On 15th May 2008 the appellant was informed her position was redundant. The appellant subsequently received a letter dated the 23rd May 2008 from her employer which stated,

“As of Thursday 15th May 2008 I hereby issue the appellant one weeks notice. The appellant will cease employment on Friday 23rd May 2008. This notice is due to the current economic downturn.....”

The appellant also received a letter of the same date stating that her employment with the respondent had ceased *“due to circumstances beyond her control.”*

The appellant’s union wrote to the respondent on her behalf on 26th May 2008 requesting that the appellant would be paid her entitlements. Subsequently, the appellant received an RP50 form from

the respondent's accountant but she did not receive a redundancy payment. The appellant signed and dated the RP50 form on the 18th June 2008. However, to date the appellant has not received a redundancy payment.

The appellant confirmed she did receive payment for two days annual leave outstanding. Accordingly, the appellant withdrew her claim under the Organisation of Working Time Act, 1997.

Determination:

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

Date of Birth:	14 th July 1973
Date of Commencement:	10 th April 2006
Date of Termination:	23 rd May 2008
Gross Weekly Pay:	€440.00

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

The Tribunal also awards the appellant her remaining notice entitlement of €440.00 (being the equivalent of one week's gross pay) under the Minimum Notice and Terms of Employment Acts, 1973 to 2005.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)