

EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:

Employee
WT358/08

- appellant

CASE NO.

MN798/08

RP739/08

Against

2 Employers - respondent

under

MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2001
ORGANISATION OF WORKING TIME ACT, 1997
REDUNDANCY PAYMENTS ACTS, 1967 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms P. McGrath BL

Members: Mr J. Goulding
Mr A. Butler

heard this appeal at Naas on 26th January 2009 and 28th April 2009.

Representation:

Appellant : Mr James O'Neill, South Kildare Citizens Information Centre, Parish Centre,
Newbridge, Co. Kildare

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

The decision of the Tribunal was as follows:

Determination:

The Tribunal allowed the employer an opportunity of presenting its case and adjourned the hearing for that purpose. On the resumed hearing date, 28th April 2009, the Tribunal was presented with a medical certificate claiming the employer was unable to attend. In circumstances where the purported medical certificate pre-dated the hearing by some six days and is unproven, the Tribunal cannot allow a further adjournment and proceeded on 28th April 2009 in the absence of the employer. No party represented the employer although it is noted that the employer's husband attended on 26th January 2009 and he handed in to the Tribunal the aforementioned medical report before leaving the premises on 28th April 2009.

The Tribunal disapproves of the manner of its treatment by the employer and her husband, presumably acting as her agent.

Having heard the appellant's uncontested oral evidence the Tribunal finds that the appellant is entitled to a redundancy lump sum under the Redundancy Payments Acts, 1967 to 2007 based on the following criteria:

Date of Birth:	18 th August 1982
Date of Commencement:	22 nd September 2004
Date of Termination:	25 th February 2008
Gross Weekly Wage:	€430.00

This award is made subject to the appellant fulfilling current social welfare requirements in relation to PRSI contributions.

The Tribunal awards the appellant €860.00 being the equivalent of two weeks gross pay under the Minimum Notice and Terms of Employment Acts, 1973 to 2001 and also awards the appellant €739.60 under the Organisation of Working Time Act, 1997.

In circumstances where the Tribunal believes the employer is trying to evade her obligations the Tribunal directs that its determination be delivered to the employer at her last known work address and additionally to her home address.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)