

EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:

CASE NO.

Employee - **Appellant**

RP149/2009

against

MN151/2009

Employer -**Respondent**

under

REDUNDANCY PAYMENTS ACTS, 1967 TO 2007 MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2001

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mrs. M. Quinlan

Members: Mr. P. Pierson
Mr. P. Clarke

heard this appeal at Ballaghaderreen on 30 June 2009

Representation:

Appellant:

Mr. Frank Gearty, E. C. Gearty & Co. Solicitors,
4/5 Church Street, Longford

Respondent:

In person

The determination of the Tribunal was as follows:

Determination:

The respondent who is a block laying sub-contractor employed the appellant as a block layer from 24 July 2005. The employment was uneventful until on or about when the appellant was dismissed, without notice due to a slow down of building work on 26 September 2008. The appellant was never issued with payslips and there was a dispute between the parties about the rate of pay. The respondent sought to rely on a P60 which showed a level of pay of around €400-00 per week. However the respondent accepted that the appellant had been paid per block laid and that the appellant had laid between 250 and 300 blocks per day. The claimant's position was that his pay was around €700-00 per week. This figure is entirely consistent with the evidence given by the respondent. Accordingly 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	16 December 1976
Employment commenced	24 July 2005
Employment ended	26 September 2008
Gross weekly pay	€700-00

This award is made subject to the appellant having been in insurable employment under the Social Welfare Acts during the relevant period. It should be noted that payments from the social insurance fund are limited to a maximum of €600-00 per week. The Tribunal further awards €1,400-00, being two weeks' pay, under the Minimum Notice and Terms of Employment Acts, 1973 to 2001

Sealed with the Seal of the
Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)