

EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:
Employee

CASE NO.
RP745/2008, MN804/2008

against

Employer

under

REDUNDANCY PAYMENTS ACTS, 1967 TO 2007
MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2005

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr D. Mahon B L

Members: Mr. L. Tobin
Mr A. Butler

heard this appeal at Wicklow on 25th June 2009

Representation:

Appellant: In person assisted by an interpreter

Respondent : Ms Catriona Byrne, Catriona Byrne & Co, Solicitors, 3 Millbank,
Blessington, Co. Wicklow

(The respondent's legal representatives were not in attendance at this hearing)

The decision of the Tribunal was as follows:

This re-entered/resumed hearing arose by reason of the appellant's non-attendance at the original hearing on 7th January 2009 due to a certified medical condition.

The respondent in the person of its managing director belatedly appeared for this hearing as a result of telephone reminder by the Tribunal secretariat. Due to some internal communication breakdown between the respondent and their legal representatives the company did not have its legal representation at this hearing.

Both sides gave evidence during the hearing. The respondent maintained that the appellant resigned from his employment prior to his temporary but extended departure home to Poland. The appellant, on the other hand, stated that his employer told him there was no more work for him and issued a P45 to that effect. The Tribunal heard that the appellant worked best and efficiently as part of a two-man team led by a more experienced colleague. Moreover a reduction in work available, subsequent reorganisation of the work system, and the fact that the appellant's experienced

colleague and work mate had left the employment because of the downturn reduced the requirement for the appellant's skills.

The members of the Tribunal very carefully considered all of the evidence adduced, statements made, and documents submitted during the hearing. Having regard to all the circumstances it is the finding of the Tribunal that a redundancy situation did exist in relation to the appellant's employment. Therefore it is the unanimous determination of the Tribunal that the appellant's employment was terminated by reason of redundancy and accordingly awards him a statutory lump sum under the Redundancy Payments Acts, 1967 to 2007 based on the following:

Date of Birth: 17 March 1962
Date of Commencement : 23 August 2004
Date of Termination: 7 December 2007
Gross Weekly Wage: €500.00

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

The appeal under the Minimum Notice and Terms of Employment Acts, 1973 to 2005 is allowed and the appellant is awarded €500.00 as compensation for one week's notice.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)