

EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:
Employee

- *appellant*

CASE NO.
RP1209/2008

Against

Employer - *respondent*

under

REDUNDANCY PAYMENTS ACTS, 1967 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr M. Gilvarry

Members: Mr. D. Morrison
Mr M. McGarry

heard this appeal at Castlebar on 29th April 2009

Representation:

Appellant: In Person

Respondent: No appearance by or representation on behalf of

The decision of the Tribunal was as follows: -

The appellant commenced work with the respondent on the 23rd of June 2003. The respondent told the appellant that the shop would be closing for financial reasons, but would arrange his redundancy with his accountant in due course. The appellant received his P45 one week later. After waiting for four months the appellant made contact with the respondent seeking his redundancy and was again informed that the accountant was arranging payment. The appellant made a further phone call between July and October and the final phone call in October 2007, when he was told the respondent had no more funds to pay the redundancy, but had put the premises up for sale and would pay the redundancy as soon as it sold. The respondent told the appellant that there was no time limit for seeking redundancy and it would be paid in due course. The appellant was aware that the other two employees had received their redundancy payments. The appellant sought advice from Citizens Information and was informed of his options for seeking redundancy.

Determination

Having heard the uncontested evidence the Tribunal determines reasonable cause for the delay in the claim process and extends the time limit.

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

| | |
|----------------------------|-----------------------------------|
| Date of Birth: | 16 th of August 1981 |
| Date employment commenced: | 23 rd of June 2003 |
| Date employment finished: | 16 th of February 2007 |
| Gross weekly pay: | €519.63 |

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

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)