

EMPLOYMENT APPEALS TRIBUNAL

APPEALS OF:
Employee

CASE NOS.
RP316/2008
MN342/2008
WT173/2008

against

Employer

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. P. O'Leary BL

Members: Mr. M. Murphy
Ms. C. Warnock

heard this appeal at Navan on 30 October 2008 and 6 January 2009

Representation:

Appellant: Ms. Lorraine Walsh, Navan CIC, 1 Brews Hill, Navan, Co. Meath.

Respondent: Mr. Eoghan Foley BL instructed by Ms. Sophie Brooks of
Oliver Shanley & Co. Solicitors, 62 – 63 Academy Street, Navan, Co. Meath

The determination of the Tribunal is as follows:

The appellant was put on temporary lay off on 16 October 2007 and served an RP9 form on the respondent on 6 March 2008.

Determination:

The respondent did not reply to the appellant's service of RP9 form within a month. Therefore the Tribunal finds that the appellant is entitled to a lump sum payment under the Redundancy Payments Acts, 1967 to 2005 based on the following information:

Date of Birth: 14 March 1964
Employment Started: March 2005
Employment Ended: 16 October 2007
Gross weekly pay: €420.00

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

As the appellant served the respondent with an RP9 form he is not entitled to a minimum notice payment. The claim under the Minimum Notice and Terms of Employment Acts, 1973 to 2005 fails.

The claim under the Organisation of Working Time Act, 1997 succeeds and the appellant is awarded €420.00

Sealed with the Seal of the
Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)