

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:
Employee

CASE NO.
RP574/2008
MN611/2008

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: Ms M Petty

Members: Mr J Redmond
Dr A Clune

heard this appeal at Loughrea on 23rd March 2009

Representation:

Appellant: Ms. Martina Weir, Siptu, Mayo No. 2 Branch, Moneen Road, Castlebar, Co. Mayo

Respondent: In person

The decision of the Tribunal was as follows:

Respondent's Case:

Due to severe financial difficulties the respondent company, a co-operative, could not afford to employ appellant after the end of 2007. Due to its financial situation the co-operative could not afford to pay the appellant his redundancy payment. The respondent does not dispute that the appellant is entitled to a redundancy payment.

Appellant's Case:

The appellant was employed by the respondent company as a machine operator from 14th March 2005, until his dismissal without notice on 31st December 2007, as the company could no longer afford to employ him. He did not receive a redundancy payment.

Determination:

Having heard the evidence, the Tribunal is satisfied that a redundancy situation existed, and accordingly, awards the appellant a redundancy lump sum payment, under the Redundancy Payments Acts, 1967 to 2007, based on the following information:

Employment commenced: 14th March 2005
Employment ended: 31st December 2007
Gross weekly pay: €375.00

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

The Tribunal allows the claim under the Minimum Notice And Terms Of Employment Acts, 1973 To 2005, and awards the appellant €750.00 (seven-hundred and fifty euro) in respect of two weeks notice.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)