

EMPLOYMENT APPEALS TRIBUNAL

Appeal Of:
Employee

Case No.
RP876/2008

against
Employer

under

REDUNDANCY PAYMENTS ACTS, 1967 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr. S. Ó Riordain B.L.

Members: Mr. J. Hennessy
Mr. J. McDonnell

heard this appeal at Waterford on 16th June 2009

Representation:

Appellant: Mr Finbarr Dorgan, TEEU, 83 Lower Yellow Road, Waterford

Respondent: No appearance or representation

The decision of the Tribunal was as follows:

The Tribunal is satisfied that the respondent was duly notified of the hearing. Neither the respondent nor a representative on its behalf attended the hearing.

The appellant gave evidence to the Tribunal that his apprenticeship with the respondent started on the 18th August 2003 and was completed on the 15th December 2007. After this date the appellant continued in the respondent's employment, received his certificate and was paid the qualified rate. The respondent did not provide the appellant with a written contract of employment.

Notice was given to the appellant of the termination of his employment by telephone on Tuesday, 8th July 2008. The appellant was told that his employment would terminate on Friday, 11th July 2008. During the telephone call the appellant was instructed to take two weeks holidays, which he had accumulated, and to contact the office when his holidays were finished.

During the first week of his holidays the appellant received his P45. The appellant submitted a copy of the P45 to the Tribunal. When the appellant had completed his second week of holidays he contacted the respondent seeking work but no work was available for him.

The appellant's union submitted a claim for redundancy on his behalf on the 29th July 2008 but no

response was received.

Determination:

Based on the uncontested evidence of the appellant, the Tribunal awards him a redundancy lump sum payment under the Redundancy Payments Acts, 1967 to 2007, based on the following criteria:

Date of Birth:	15 th July 1985
Date of Commencement:	18 th August 2003
Date of Termination:	11 th July 2008
Gross Weekly Pay:	€808.86

It should be noted that payments from the social insurance fund are limited to a maximum of €600.00 per week.

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)