

EMPLOYMENT APPEALS TRIBUNAL

Appeal Of:
Employee

Case No.
–Appellant
RP1401/2008

against

Employer – Respondent

under

REDUNDANCY PAYMENTS ACTS, 1967 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr. P. Hurley

Members: Mr. G. Phelan
Mr. T. Kennelly

heard this appeal at Ennis on 10th June 2009

Representation:

Appellant: In person

Respondent: In person

The decision of the Tribunal was as follows:

Appellant's Case:

The appellant gave evidence to the Tribunal that she commenced employment in the respondent's shop on the 13th September 2005. The appellant went on maternity leave on the 5th September 2007. The respondent was aware the appellant intended to return to work after her maternity leave as she completed the relevant form for this leave and stated her date of return to work as the 5th March 2008. In the interim the respondent's shop closed down on the 14th October 2007. The respondent had informed the employees some time previously that the shop would close but he did not know on what date. During September 2007 the respondent informed the employees that the shop would close in October 2007.

On the 11th October 2007 the respondent told the appellant that he would send her a P45. When she received the P45 her date of termination was stated as the 5th September 2007 (the date the appellant commenced maternity leave). The respondent later provided the appellant with a second P45, which stated her date of termination as the 14th October 2007 (the date the shop closed). In 2008 the shop re-opened under new management. The appellant applied for a position but was

unsuccessful.

Respondent's Case:

The respondent gave evidence to the Tribunal that An Bord Pleanála overturned a planning decision granted to the respondent by the county council. As a result the respondent was instructed to close down his business until he succeeded in securing planning permission. Some two or three months before the shop closed the respondent informed the employees of the impending closure. When the respondent's business closed all of the employees were made redundant. Due to financial difficulties the respondent was unable to pay redundancy.

Determination:

Based on the evidence 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:	17 th May 1982
Date of Commencement:	13 th September 2005
Date of Termination:	5 th March 2008
Gross Weekly Pay:	€250.00

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)