

EMPLOYMENT APPEALS TRIBUNAL

CLAIM OF:
Employee – *appellant*

CASE NO.
UD3/2009
RP1/2009
MN4/2009

Against

Employer - *respondent*

Under

UNFAIR DISMISSALS ACTS, 1977 TO 2007 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: Mr. D. Mac Carthy S C

Members: Mr P. Pierson
Mr G. Whyte

heard this claim at Mullingar on 10th July 2009

Representation:

Appellant: Mr. Blazej Nowak, Polish Consultancy Enterprise, 19 Talbot Street, Dublin 1

Respondent: No appearance or representative on behalf of

The decision of the Tribunal was as follows:

The appellant was employed as a Kitchen Porter from the 24th of April 2006 until the respondent suddenly closed on the 12th of October 2008. The appellant did not receive a Contract of Employment or Terms and Conditions of Employment. The appellant was officially paid €358.00 and additional cash in hand.

Determination

The Tribunal is satisfied that the respondents were properly notified of this hearing. Neither they nor representatives on their behalf appeared for this hearing. The claim under the Unfair Dismissals Acts 1977 to 2005 was withdrawn at the outset

Having heard submissions from the appellant the Tribunal finds that her employment was terminated by way of redundancy by the respondents. Accordingly, the appeal under the Redundancy Payments Acts, 1967 to 2003 succeeds and a redundancy lump sum is awarded based on the following:

Date of Birth: 31st March 1961
Date of Commencement: 24th April 2006
Date of Termination: 12th October 2008
Gross Weekly Wage: €485.00

Redundancy payments are subject to a weekly ceiling of €600.00 including payments from the Social Insurance Fund.

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

The Tribunal is satisfied that the appellant's employment ended without notice and she is therefore entitled to compensation of €970.00, which is equivalent to two week's gross pay under the Minimum Notice and Terms of Employment Acts, 1973 to 2005.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)