

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:

Employee

-Appellant

CASE NO.

RP261/2009

against

Employer

-Respondent

under

REDUNDANCY PAYMENTS ACTS, 1967 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr. L. Ó Catháin

Members: Mr. J. Hennessy
Mr. D. McEvoy

heard this appeal at Waterford on 18th June 2009

Representation:

Appellant: Mr. John Purcell, Purcell Cullen & Kennedy Solicitors, 21 Parnell Street,
Waterford

Respondent: A director of the company.

The decision of the Tribunal was as follows:

The appellant told the Tribunal that he commenced employment as an apprentice plumber with the respondent on the 7th September 2003. In January 2005 the appellant went on block release as part of his apprenticeship. Subsequently, the respondent furnished the appellant with a P45 on the 27th May 2005 due to a lack of work. The appellant went to work for another employer. The appellant finished work with this employer on the 7th October 2005 and he was re-employed with the respondent from the 10th October 2005. The appellant remained in the respondent's employment until the 18th April 2008 when the respondent again informed the appellant that he could not retain him in his employment due to a lack of work.

A director of the respondent told the Tribunal that due to difficulty receiving payment for work he could not retain the appellant in his employment. The director stated that €1,060 was paid to the appellant.

It was submitted by the appellant's representative that the sum of €1,060 paid to the appellant related to holiday pay owing for holidays accumulated from July 2007 to April 2008.

Determination:

Based on the evidence the Tribunal finds that the appellant is entitled to a redundancy payment. The Tribunal finds that the sum of €1,060 paid to the appellant related to holiday pay owing.

In considering the criteria for calculating the redundancy payment the Tribunal notes that the appellant was dismissed by reason of redundancy on the 27th May 2005 before attaining the requisite 104 weeks service. However, the appellant resumed his employment with the same employer within a period of 26 weeks, therefore, his employment with the respondent is deemed to be continuous for the purposes of calculating the redundancy payment.

The Tribunal awards the appellant a redundancy lump sum payment under the Redundancy Payments Acts, 1967 to 2007, based on the criteria below.

Date of Birth:	1 st August 1980
Date of Commencement:	7 th September 2003
Date of Termination:	18 th April 2008
Gross Weekly Pay:	€617.11

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)