

EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:
Employee - *Appellant*

CASE NO.
RP508/2009

against
Employer - *Respondent*

under

REDUNDANCY PAYMENTS ACTS, 1967 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms. N. O'Carroll-Kelly B.L.

Members: Mr. P. Pierce
Mr. J. Maher

heard this appeal at Dublin on 25th August 2009

Representation:

Appellant: Ms. Barbara Mebtouche, Triana, Independent Advice &
Information Bureau, 13 Store Street, Dublin 1

Respondent: No appearance or representation on behalf of the company.

The decision of the Tribunal was as follows:

The appellant gave evidence with the assistance of a Tribunal appointed translator.

The appellant commenced employment with the respondent in September 2004. During his employment the appellant requested P60s from the respondent but was told he would receive them at the end of his employment. When the appellant received the P60s at the end of his employment he realised he was only registered as an employee of the company from 2005.

The appellant's hours of work were 8.30am to 5.30pm, six days per week. Initially, the appellant received a cash payment of €380.00 per week. His rate of pay gradually increased and for the last year of his employment he received a weekly wage of €525.00. The appellant's representative informed the Tribunal that while the appellant received a weekly wage of €525.00 in cash, his P45 stated he had received a weekly wage of €325.00. The appellant did not receive payslips throughout the course of his employment.

The last day the appellant worked was the 11th July 2008. The supervisor informed the appellant at the end of his shift that no further work was available. The appellant was paid for weekending 11th July 2008, however, his P45 stated his employment ended on the 26th July 2008.

Determination:

Based on his uncontested evidence the Tribunal awards the appellant a lump sum payment under the Redundancy Payments Acts, 1967 to 2003, based on the following criteria:

Date of Birth: 24th March 1967
Date of Commencement: 4th April 2005
Date of Termination: 11th July 2008
Gross Weekly Pay: €325.00

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)