

EMPLOYMENT APPEALS TRIBUNAL

CLAIMS OF:	CASE NO.
1) Employee RP678/2008	UD786/2008 MN727/2008
2) Employee	RP679/2008 UD787/2008 MN728/2008
3) Employee	RP680/2008 UD788/2008 MN729/2008
4) Employee - <i>claimants</i>	UD789/2008 RP681/2008 MN730/2008

against

Employer
- *respondent*

under

MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2005 REDUNDANCY PAYMENTS ACTS, 1967 TO 2007 UNFAIR DISMISSALS ACTS, 1977 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr. D. Mac Carthy S C

Members: Mr J. Browne
 Ms K. Garvey

heard this claim at Wexford on 15th July 2009 and 17 July 2009

Representation:

Claimants: in person

Respondent: no appearance or representation

The determination of the Tribunal was as follows:-

The hearing was adjourned to a second day to allow the claimants the opportunity to be represented.

The claims under the Unfair Dismissals Acts, 1977 to 2007, were withdrawn on the second day of hearing.

On the second day of hearing, all the claimants gave their evidence through an independent interpreter (MR).

The claimant MS gave evidence that they were told by LD that there was no more work on 20 May 2008. No notice was given to them. All the claimants were paid over €600 per week. They were all laid off on 1 February 2008 and he got a temporary job in April, which paid €320 per week.

The claimant WO gave evidence that he worked until the end of January and then was laid off. He worked for a short time in May also, but got no other job in that time. He only worked 9 weeks in 2008.

The claimant MU gave evidence that he got another job from 20 February to 8 August 2008 that paid €390 a week.

The claimant DP gave evidence that he had the exact same work record as WO in 2008.

Determination:

Based on the uncontested evidence of appellant (1), the Tribunal finds that he is entitled to a redundancy lump sum under the Redundancy Payments Acts, 1967 to 2003 based on the following details:

Date of Birth	14 December 1963
Date employment commenced	20 August 2005
Date employment ended	20 May 2008
Gross weekly salary	€600.00

In addition he is awarded €1,200.00 (being the equivalent of 2 weeks gross pay) under the Minimum Notice and Terms of Employment Acts, 1973 to 2005.

Based on the uncontested evidence of appellant (2), the Tribunal finds that he is entitled to a redundancy lump sum under the Redundancy Payments Acts, 1967 to 2003 based on the following details:

Date of Birth	31 March 1962
Date employment commenced	1 July 2005
Date employment ended	20 May 2008
Gross weekly salary	€600.00

In addition he is awarded €1,200.00 (being the equivalent of 2 weeks gross pay) under the Minimum Notice and Terms of Employment Acts, 1973 to 2005.

Based on the uncontested evidence of appellant (3), the Tribunal finds that he is entitled to a redundancy lump sum under the Redundancy Payments Acts, 1967 to 2003 based on the following details:

Date of Birth	8 October 1960
Date employment commenced	1 August 2005
Date employment ended	20 May 2008
Gross weekly salary	€600.00

In addition he is awarded €420.00 (being the equivalent of 2 weeks gross pay, less €390 per week that he earned in the other job while on lay-off) under the Minimum Notice and Terms of Employment Acts, 1973 to 2005.

Based on the uncontested evidence of appellant (4), the Tribunal finds that he is entitled to a redundancy lump sum under the Redundancy Payments Acts, 1967 to 2003 based on the following details:

Date of Birth	10 December 1980
Date employment commenced	3 January 2006
Date employment ended	20 May 2008
Gross weekly salary	€600.00

In addition he is awarded €560.00 (being the equivalent of 2 weeks gross pay, less €320 per week that he earned in the other job while on lay-off) under the Minimum Notice and Terms of Employment Acts, 1973 to 2005.

(Please note that all the claimants were laid off from 1 February 2008 to 20 August 2008, and these periods are non-reckonable for redundancy).

These awards are made subject to the appellants 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)

