

EMPLOYMENT APPEALS TRIBUNAL

CLAIM(S) OF:

Employee

– *claimant*

against

Employer

– *respondent*

under

CASE NO.

UD115/2009

RP95/2009

UNFAIR DISMISSALS ACTS, 1977 TO 2007 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 claim at Limerick on 20th July 2009

Representation:

Claimant(s): Mr. John Lynch, John Lynch & Company, Solicitors,
Bridge House, South Quay, Newcastle West, Co. Limerick

Respondent(s): No appearance or representation

The determination of the Tribunal was as follows:-

Introductory note:

The hearing of this case was scheduled to commence at 2.30pm. The Tribunal waited until 2.50pm before commencing proceedings.

Claimant's case:

At the commencement of the hearing, the claim under the Unfair Dismissals Acts, 1977 to 2007 was formally withdrawn on the instructions of the claimant.

In his sworn evidence, the claimant confirmed his employment details for the period when employed by the respondent. At the conclusion of his employment, the respondent told the claimant that he had no money to pay him. Despite trying to contact the respondent about his redundancy on several occasions, the respondent did not return the claimant's telephone calls.

Determination:

The Tribunal was satisfied that the respondent was duly notified of the hearing. However, there was no appearance by them or representation on their behalf.

The Tribunal notes that the claim under the Unfair Dismissals Acts, 1977 to 2007 was formally withdrawn.

Based on the uncontested evidence of the claimant, the Tribunal finds the claim under the Redundancy Payments Acts, 1967 to 2007 succeeds and the claimant is entitled to a redundancy lump sum, which is to be calculated on the following criteria:

Date of Birth:	04 October 1975
Date employment commenced:	23 July 2003
Date employment ceased:	01 August 2008
Weekly wage:	€600.00

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

Please note that a statutory weekly ceiling of €600 applies to all payments from the Social Insurance Fund.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)