

EMPLOYMENT APPEALS TRIBUNAL

CLAIM OF:
EMPLOYEE - *Claimant*

CASE NO.
UD349/2009

RP348/2009

MN352/2009
WT151/2009

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 ORGANISATION OF WORKING TIME ACT, 1997

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr. E. Murray

Members: Mr. J. Hennessy
Mr. T. Kennelly

heard this claim at Clonmel on 24th September 2009

Representation:

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

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

The determination of the Tribunal was as follows:

The Tribunal was satisfied that the respondent was properly notified of the above-mentioned hearing. Neither the respondent nor a representative on its behalf attended the hearing.

At the outset of the hearing the claimant's representative withdrew the claim under the Unfair Dismissals Acts, 1977 to 2007. The Tribunal heard that the claimant was an employee of the respondent by virtue of a transfer of undertakings in May 2008.

The claimant gave evidence with the assistance of a Tribunal appointed translator. The claimant commenced employment on the 15th December 2006. During May 2008 the transfer occurred but the nature of the claimant's work remained unchanged.

On the 23rd January 2009 the claimant was informed there was no further work available to him.

The claimant did not receive notice monies or a redundancy lump sum payment from his employer. The claimant did not receive payment for any holidays he had taken throughout the course of his employment.

Determination:

Based on the uncontested evidence of the claimant the Tribunal awards the claimant a lump sum payment under the Redundancy Payments Acts, 1967 to 2007, based on the following criteria:

Date of Birth:	5 th January 1986
Date of Commencement:	15 th December 2006
Date of Termination:	23 rd January 2009
Gross Weekly Pay:	€632.00

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

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

The Tribunal awards the claimant €1,264.00 (being the equivalent of two weeks' gross pay) under the Minimum Notice and Terms of Employment Acts, 1973 to 2005.

In considering the award due to the claimant under the Organisation of Working Time Act, 1997, the Tribunal was mindful of S.23 and awards the claimant €3,792.00 being the equivalent of thirty days holidays under the Act.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)