

EMPLOYMENT APPEALS TRIBUNAL

APPEALS OF:		CASE NO.
EMPLOYEE	- appellant	RP1129/08 MN1220/08 WT537/08
EMPLOYEE	- appellant	RP1130/08 MN1221/08 WT538/08
EMPLOYEE	- appellant	RP1131/08 MN1222/08 WT539/08
EMPLOYEE	- appellant	RP1132/08 MN1223/08 WT540/08
EMPLOYEE	- appellant	RP1133/08 MN1224/08 WT541/08
EMPLOYEE	- appellant	RP1134/08 MN1225/08 WT542/08
Against		
EMPLOYER	- respondent	
EMPLOYEE	- respondent	
under		

**MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2005
ORGANISATION OF WORKING TIME ACT, 1997
REDUNDANCY PAYMENTS ACTS, 1967 TO 2007**

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr J Flanagan BL

Members: Mr J Goulding
Ms E Brezina

heard this appeal at Naas on 8th May 2009 and 23rd July 2009.

Representation:

Appellants: Mr Patrick McCabe, SIPTU, Unity Hall, Church Street, Tullamore, Co Offaly

Respondent: Mr Tony Hanahoe, Hanahoe & Hanahoe, 16 North Main Street, Naas, Co Kildare

The decision of the Tribunal was as follows: -

The appellants were placed on temporary lay off and signed Forms RP9 on 15th August 2008. They completed Part B of Form RP9 on various dates between 1st and 10th October 2008, thereby giving notice to the respondent of their intention to claim Redundancy

Determination:

Based on the evidence and submissions in this case the Tribunal is satisfied that the appellants are entitled to a redundancy lump sum under the Redundancy Payments Acts, 1967 to 2007 based on following:

First named Appellant:

Date of Birth	22 nd August 1982
Date employment commenced	1 st June 2006
Date employment ended	15 th August 2008
Gross weekly salary	€785.73

Second named Appellant:

Date of Birth	20 th November 1975
Date employment commenced	20 th September 2004
Date employment ended	15 th August 2008
Gross weekly salary	€785.73

Third named Appellant:

Date of Birth	12 th May 1983
Date employment commenced	15 th November 2004
Date employment ended	15 th August 2008
Gross weekly salary	€696.96

Fourth named Appellant:

Date of Birth	11 th March 1970
Date employment commenced	10 th July 2006
Date employment ended	15 th August 2008
Gross weekly salary	€766.53

Fifth named Appellant:

Date of Birth	3 rd September 1975
Date employment commenced	20 th September 2004
Date employment ended	15 th August 2008
Gross weekly salary	€871.65

Sixth named Appellant:

Date of Birth	24 th July 1963
Date employment commenced	29 th April 2004
Date employment ended	15 th August 2008
Gross weekly salary	€973.96

Please note that these awards are being made subject to the appellant's having been in insurable employment under the Social Welfare Acts during the relevant period

Please also note that a maximum weekly wage ceiling of €600 applies to all payments from the Social Insurance Fund

Based on the evidence and submissions presented to the Tribunal the following named Appellants are entitled to payment for outstanding holidays under the Organisation of Working Time Act, 1997. The Tribunal notes the absence of the records required under Section 25(1)(3)(c)(ii) Organisation of Working Time (Records) (Prescribed Form and Exemptions) Regulations, 2001 S.I. 473/2001.

Second named Appellant: €1,394.20

Fourth named Appellant: €614.36

Fifth named Appellant: €1,564.15

The claims under the Organisation of Working Time Act 1997 were withdrawn in respect of the First, Third and Sixth named appellant's.

The claims under the Minimum Notice and Terms of Employment Acts, 1973 to 2005 are dismissed as the appellant's completed Part B of Form RP9 and are deemed to have voluntarily left

their employment.

Sealed with the Seal of the
Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)