

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:

Employee

– *appellant*

CASE NO.

RP1820/2009
MN540/2009

against

Employer

– *respondent*

under

**REDUNDANCY PAYMENTS ACTS, 1967 TO 2007
MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2005**

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms. O. Brennan B.L.

Members: Mr. F. Cunneen
Mr. G. Whyte

heard this appeal at Dublin on 23rd October 2009

Representation:

Appellant(s): In person (*with the assistance of a personal interpreter*)

Respondent(s): No appearance or representation

The decision of the Tribunal was as follows:-

Introductory point:

The hearing of this case was scheduled to commence at 10.30am. The Tribunal waited until 11.00am so as to allow time for all parties to appear before proceeding with the hearing.

Appellant's case:

In sworn evidence, the appellant confirmed the details of his employment for the period when employed by the respondent.

The appellant confirmed that he had attended a hearing before the rights commissioners in relation to an appeal under the Payment of Wages Act, 1991, and the rights commissioner had issued a Decision in relation to this case. (*A copy of this Decision of the rights commissioner – r-076653-pw-09/JT dated 6 August 2009 – was opened to the Tribunal*).

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.

Based on the uncontested evidence of the appellant, the Tribunal finds that the appeal under the Redundancy Payments Acts, 1967 to 2007 succeeds and awards the appellant a redundancy lump sum, which is to be calculated on the basis of the following criteria:

Date of birth:	07 October 1973
Date of commencement:	22 June 2004
Date of termination:	6 February 2009
Gross weekly wage:	€701.82

This award is made subject to the appellant having been in insurable employment under the Social Welfare Acts during the relevant period. Furthermore, a statutory weekly ceiling of €600.00 applies to all payments from the Social Insurance Fund.

The Tribunal noted the contents of the Decision of the rights commissioners – *r-076653-pw-09/JT dated 6 August 2009* – wherein the appellant was awarded compensation in respect of his entitlements to wages and minimum notice. As the issue of notice has already been heard and adjudicated upon in another forum, the Tribunal dismisses the appeal before it under the Minimum Notice and Terms of Employment Acts, 1973 to 2005.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____

(CHAIRMAN)