

EMPLOYMENT APPEALS TRIBUNAL

APPEALS OF:

Employee – *appellant*

Employee – *appellant*

Employee – *appellant*

against

Employer - *respondent*

under

CASE NOS.

RP2430/2009

MN338/2009

WT145/2009

RP339/2009

MN337/2009

WT144/2009

RP338/2009

MN336/2009

WT143/2009

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. T. Taaffe

Members: Mr. J. Goulding
Mr. F. Barry

heard this appeal at Dublin on 21st September 2009

Representation:

Appellants: Ms. Stella Lipneviciute of SL Taxation Services,
13 Upper Baggot Street, Dublin 4

Respondents: Mr. Owen Fitzpatrick Liquidator, CPA, 46 North Circular Road, Dublin 7

The decision of the Tribunal was as follows:-

Determination:

The representative of the first named appellant made an application to the Tribunal to amend his T1A to include a claim under the Redundancy Payments Acts, 1967 to 2007. The liquidator for the respondent did not object. The Tribunal granted the application. The Tribunal finds that a redundancy situation exists and that the first named appellant is entitled to a redundancy payment based on the following information:

Date of Birth:	01 January 1974
Employment Began:	06 November 2006
Employment Ended:	14 November 2008
Gross Weekly Pay:	€830.00

This award is subject to the appellant having been in employment insurable for all purposes under the Social Welfare Consolidation Act 2005.

It should be noted that payments from the social insurance fund are limited to a maximum of €600.00 per week.

The claim under the Minimum Notice and Terms of Employment Acts, 1973 to 2005 succeeds and the appellant is awarded €1660.00, being two weeks pay.

The claim under the Organisation of Working Time Act, 1997 fails because the Tribunal does not have jurisdiction to hear appeals brought under Part II of the Act.

The Tribunal finds that the second named appellant is entitled to a redundancy payment based on the following information:

Date of Birth:	16 July 1982
Employment Began:	14 March 2005
Employment Ended:	14 November 2008
Gross Weekly Pay:	€940.00

This award is subject to the appellant having been in employment insurable for all purposes under the Social Welfare Consolidation Act 2005.

It should be noted that payments from the social insurance fund are limited to a maximum of €600.00 per week.

The claim under the Minimum Notice and Terms of Employment Acts, 1973 to 2005 succeeds and the appellant is awarded €1880.00, being two weeks pay.

The claim under the Organisation of Working Time Act 1997 fails because the Tribunal does not have jurisdiction to hear appeals brought under Part II of the Act.

The Tribunal finds that the third named appellant is entitled to a redundancy payment based on the following information:

Date of Birth: 22 June 1981
Employment Began: 25 September 2006
Employment Ended: 07 November 2008
Gross Weekly Pay: €710.00

This award is subject to the appellant having been in employment insurable for all purposes under the Social Welfare Consolidation Act 2005.

It should be noted that payments from the social insurance fund are limited to a maximum of €600.00 per week.

The claim under the Minimum Notice and Terms of Employment Acts, 1973 to 2005 succeeds and the appellant is awarded €1420.00, being two weeks pay.

The claim under the Organisation of Working Time Act 1997 fails because the Tribunal does not have jurisdiction to hear appeals brought under Part II of the Act.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)