

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:
EMPLOYEE – *appellant*

CASE NO.
RP478/2009
MN471/2009
WT208/2009

against

EMPLOYER – *respondent*

under

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: 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

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. Despite the respondent changing the name of the company three times, there had been no break in service during his employment period.

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-075873-pw-09/JC dated 21 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:	05 April 1960
Date of commencement:	14 March 1995
Date of termination:	06 February 2009
Gross weekly wage:	€1028.00

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 commissioner – *r-075873-pw-09/JC dated 21 August 2009* – wherein the appellant was awarded compensation in respect of his entitlements to wages, minimum notice and holiday pay. As the issues of notice and holidays have already been heard and adjudicated upon in another forum, the Tribunal dismisses the appeals before it under the Minimum Notice and Terms of Employment Acts, 1973 to 2005 and the Organisation of Working Time Act, 1997

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)