

**EMPLOYMENT APPEALS TRIBUNAL**

APPEALS OF:  
EMPLOYEE – *appellant 1*

CASE NO.  
RP894/2009  
MN840/2009  
WT353/2009

EMPLOYEE -*appellant 2*

RP895/2009

MN841/2009  
WT354/2009

EMPLOYEE -*appellant 3*

RP917/2009  
MN857/2009  
WT359/2009

EMPLOYEE -*appellant 4*  
MN859/2009

RP919/2009  
WT361/2009

EMPLOYEE -*appellant 5*

RP920/2009  
MN860/2009  
WT362/2009

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: Mr. M. Gilvarry

Members: Mr. D. Morrison  
Mr. M. McGarry

heard this appeal at Castlebar on 21st October 2009

Representation:

Appellants: Ms. Martina Weir, Siptu, Mayo No. 2 Branch, Moneen Road, Castlebar,  
Co. Mayo

Respondent: No appearance or representation on behalf of  
The decision of the Tribunal was as follows:-

### **Appellants' Case**

In sworn evidence, the appellant's confirmed the details of their application to the Tribunal.

### **Respondent's Case:**

The Tribunal was satisfied that the respondent had been properly notified of the hearings. However, there was no appearance by them or representation on their behalf.

### **Determination:**

Accepting the uncontested evidence of the five appellants, the Tribunal finds that their appeal under the Redundancy Payments Acts, 1967 to 2007 succeeds and they are awarded a redundancy lump sum, which is to be calculated on the basis of the following criteria.

#### Appellant 1 (Rp894/2009)

Date of Birth: 27<sup>th</sup> September 1979  
Date of Commencement: 16<sup>th</sup> September 2004  
Date of Termination: 16<sup>th</sup> November 2008  
Gross Weekly Wage: €425.00

#### Appellant 2 (Rp895/2009)

Date of Birth: 12<sup>th</sup> June 1957  
Date of Commencement: 9<sup>th</sup> September 2005  
Date of Termination: 2<sup>nd</sup> November 2008  
Gross Weekly Wage: €360.00

#### Appellant 3 (Rp917/2009)

Date of Birth: 4<sup>th</sup> March 1982  
Date of Commencement: 17<sup>th</sup> February 2006  
Date of Termination: 16<sup>th</sup> November 2008  
Gross Weekly Wage: €350.00

#### Appellant 4 (Rp919/2009)

Date of Birth: 12<sup>th</sup> May 1959  
Date of Commencement: 2<sup>nd</sup> April 2005  
Date of Termination: 16<sup>th</sup> November 2008  
Gross Weekly Wage: €360.00

#### Appellant 5 (Rp920/2009)

Date of Birth: 26<sup>th</sup> February 1982  
Date of Commencement: 13<sup>th</sup> July 2006  
Date of Termination: 11<sup>th</sup> May 2009  
Gross Weekly Wage: €350.00

Based on the uncontested evidence of the appellant the Tribunal finds that appellant 1 is entitled to an award of €850.00 being the equivalent of two weeks pay under the Minimum Notice and Terms of Employment Acts 1973 to 2005. The Tribunal makes a further award of €850.00 being the equivalent of 10 days holiday pay owing under the Organisation of Working Time Act 1997.

Based on the uncontested evidence of the appellant the Tribunal finds that appellant 2 is entitled to an award of €720.00 being the equivalent of two weeks pay under the Minimum Notice and Terms of Employment Acts 1973 to 2005. The Tribunal makes a further award of €576.00 being the equivalent of 8 days holiday pay owing under the Organisation of Working Time Act 1997.

Based on the uncontested evidence of the appellant the Tribunal finds that appellant 3 is entitled to an award of €700.00 being the equivalent of two weeks pay under the Minimum Notice and Terms of Employment Acts 1973 to 2005. The Tribunal makes a further award of €1400.00 being the equivalent of 20 days holiday pay owing under the Organisation of Working Time Act 1997.

Based on the uncontested evidence of the appellant the Tribunal finds that appellant 4 is entitled to an award of €720.00 being the equivalent of two weeks pay under the Minimum Notice and Terms of Employment Acts 1973 to 2005. The Tribunal makes a further award of €360.00 being the equivalent of 5 days holiday pay owing under the Organisation of Working Time Act 1997.

Based on the uncontested evidence of the appellant the Tribunal finds that appellant 5 is entitled to an award of €700.00 being the equivalent of two weeks pay under the Minimum Notice and Terms of Employment Acts 1973 to 2005. The Tribunal makes a further award of €1190.00 being the equivalent of 17 days holiday pay owing under the Organisation of Working Time Act 1997.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

(Sgd.) \_\_\_\_\_  
(CHAIRMAN)