

## EMPLOYMENT APPEALS TRIBUNAL

### APPEAL(S) OF:

Employee

– *appellant*

### CASE NO.

RP296/2009

MN298/2009

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. B. Glynn

Members: Mr. T. Gill  
Mr. J. Le Cumbre

heard this appeal at Athlone on 4th September 2009

### **Representation:**

Appellant(s): In person

Respondent(s): No appearance or representation

The decision of the Tribunal was as follows:-

### **Introductory note:**

The hearing of this case was scheduled to commence at 10.00am. The Tribunal waited until 10.45am to allow sufficient time for all parties to arrive before proceeding with the hearing.

### **Appellant's case:**

In his sworn evidence, the appellant confirmed the details of his employment for the period when employed by the respondent but asked to amend the date of termination of his employment to read 15 August 2008, as opposed to 22 August 2008 as set out in his T1-A form (*Notice if Appeal*). The appellant gave evidence that he received a letter from the respondent dated 20 August 2008 informing him that due to a down turn in work, he would be laid off with effect from Friday 15 August 2008. A copy of this letter 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:	27 December 1969
Date of commencement:	24 May 2004
Date of termination:	15 August 2008
Gross weekly wage:	€650.74

The Tribunal also finds that the appeal under the Minimum Notice and Terms of Employment Acts, 1973 to 2005 succeeds and awards the appellant the sum €1301.48 in lieu of notice, this being the equivalent to two week's gross pay.

These awards are made subject to the appellant having been in insurable employment under the Social Welfare Acts during the relevant period.

Please note that a statutory weekly ceiling of €600.00 applies to all payments from the Social Insurance Fund.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

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