

**EMPLOYMENT APPEALS TRIBUNAL**

CLAIM(S) OF:  
EMPLOYEE

CASE NO.  
UD1775/2009  
RP2002/2009  
MN1708/2009  
WT746/2009

against

EMPLOYER

under

**UNFAIR DISMISSALS ACTS, 1977 TO 2007**  
**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. L. Ó Catháin

Members: Mr. D. Hegarty  
Ms. H. Kelleher

heard this case in Cork on 25 August 2010

Representation:

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Claimant(s):  
In person

Respondent(s):  
No attendance or representation

The determination of the Tribunal was as follows:-

The claim lodged under the Unfair Dismissals Acts, 1977 to 2007, was not prosecuted because the appellant sought a redundancy award. Claims lodged under the Minimum Notice and Terms of Employment Acts, 1973 to 2005, and under the Organisation of Working Time Act, 1997, were

withdrawn during the hearing as the appellant did not wish to seek awards (against a company that had been dissolved) that might not be enforceable.

The appellant told the Tribunal that his employment, which commenced on 10 July 2000, ended by reason of redundancy on 14 November 2008. His gross weekly pay had been €794.39.

No evidence was offered at the hearing by or on behalf of the respondent.

**Determination:**

The claim lodged under the Unfair Dismissals Acts, 1977 to 2007, falls for want of prosecution because the appellant sought an award under redundancy legislation. The Tribunal cannot make an award in respect of both unfair dismissal and redundancy legislation to the same person in respect of the same period of employment.

The Tribunal notes that the claims lodged under the Minimum Notice and Terms of Employment Acts, 1973 to 2005, and under the Organisation of Working Time Act, 1997, were withdrawn during the hearing.

Under the Redundancy Payments Acts, 1967 to 2007, the Tribunal finds that the appellant is entitled to a redundancy lump sum based on the following details:

Date of birth:	25 November 1963
Date of commencement:	10 July 2000
Date of termination:	14 November 2008
Gross weekly pay:	€794.39

It should be noted that payments from the Social Insurance Fund are limited to a maximum of €600.00 per week.

This award is made subject to the appellant having been in insurable employment under the Social Welfare Acts during the relevant period.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

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

