

EMPLOYMENT APPEALS TRIBUNAL

APPEALS OF:

Employee

Employee

CASE NO.

MN456/2009

RP469/2009, MN455/2009

against

Employer

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 S. McNally

Members: Mr. P. Casey
Ms H. Kelleher

heard this claim at Cork on 19th January 2010

Representation:

Appellants : Mr Pat McGrath, SIPTU, Cork No. 3 Branch, Connolly Hall,
Lapps Quay, Cork

Respondent : No representation listed

The decision of the Tribunal was as follows:

Appellants' Case

The first named appellant stated his dates of commencement and termination of employment with the respondent and added that he had not received his entitlements for his notice period. He had previously received a favourable decision from the Tribunal regarding his redundancy appeal (RP 762.08 refers).

The second named appellant said his employment ceased with the respondent by way of redundancy and without proper notice.

Respondent's Case

Since there was no appearance from the respondent no evidence was adduced from the company.

Determination

Based on the uncontested evidence of the appellant and on submitted documentation the Tribunal awards the first named appellant €1320.54 as compensation for two weeks outstanding notice under the Minimum Notice and Terms of Employment Acts, 1973 to 2005.

The Tribunal accepts and allows the appeal made under the Redundancy Payments Act, 1967 to 2007 for the second named appellant and awards him a statutory redundancy payment based on the following:

Date of Birth: 4 December 1970
Date of Commencement: 17 November 2003
Date of Termination: 28 March 2008
Gross Weekly Wage: €809.36

A statutory weekly ceiling of €600.00 applies to payments from the Social Insurance Fund

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

The Tribunal also allows his appeal under the Minimum Notice and Terms of Employment Acts, 1973 to 2005 and awards him €1618.72 under those Acts.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

