

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:
EMPLOYEE - *appellant*

CASE NO.
RP1042/2009
MN949/2009

WT48/2010

EMPLOYEE - *appellant*

RP1043/2009

MN950/2009
WT408/2009

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 N. O'Carroll-Kelly BL

Members: Mr D. Moore

Ms. A. Moore

heard this appeal at Naas on 16th February 2010

Representation:

Appellant: R A Osborne & Son, Solicitors,
Emily Square, Athy, Co. Kildare

Respondent: XXXXXXXXX

Determination:

First named appellant, ref: RP1042/2009, MN949/2009, WT408/2009,

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

Date of birth: 15th June 1964
Commencement date: 14th January 2002
Date of notice: 10th November 2008
Termination date: 10th November 2008
Gross weekly pay: €785.10

Note: The pay amount is based on the form p45 submitted to the Tribunal.

Note: the commencement date for the first named appellant is 14th January 2002 as there was a transfer of undertaking.

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.

Under the Minimum Notice and Terms of Employment Acts, 1973 to 2005, the Tribunal awards the first named appellant the sum of €3,140.40, (this amount being equivalent to four weeks' pay at €785.10 per week).

Based on the first named appellant's evidence that he had taken two weeks holidays the Tribunal awards him the sum of €314.04, (this amount being equivalent to two days gross pay at €785.10 per week) under the Organisation of Working Time Act, 1997.

The second named appellant, ref: RP1043/2009, MN950/2009, WT408/2009,
Under the Redundancy Payments Acts, 1967 to 2007, the Tribunal finds that the second named appellant is entitled to a redundancy lump sum payment based on the following information:

Date of birth:	15 th November 1982
Commencement date:	10 th June 2002
Date of notice:	10 th November 2008
Termination date:	10 th November 2008
Gross weekly pay:	€876.13

Note: The pay amount is based on the form p45 submitted to the Tribunal.

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.

Under the Minimum Notice and Terms of Employment Acts, 1973 to 2005, the Tribunal awards the second named appellant the sum of €3,504.52, (this amount being equivalent to four weeks' pay at €876.13 per week).

Based on the second named appellant's evidence that he had taken two weeks holidays the Tribunal awards him the sum of €1,752.26, (this amount being equivalent to ten days gross pay at €876.13 per week) under the Organisation of Working Time Act, 1997.

Sealed with the Seal of the
Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)