

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:

CASE NO.

EMPLOYEE

RP1844/2009

WT688/2009

MN1605/2009

against

EMPLOYER

EMPLOYER

under

**MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2005
ORGANISATION OF WORKING TIME ACT, 1997
REDUNDANCY PAYMENTS ACTS, 1967 TO 2007**

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr J. O'Connor

Members: Mr. A. O'Mara

Mr F. Barry

heard this appeal at Tralee on 12th February 2010

Representation:

Appellant(s) :

Edward O'Sullivan, Solicitors, Courthouse Lane, Tralee, Co. Kerry

Respondent(s) :

Kevin O'Gara, Solicitors, Unit 4, Level 1, The Reeks Gateway, Killarney, Co Kerry

The decision of the Tribunal was as follows:-

Kevin O'Gara, Solicitor appeared on behalf of Ralfar Limited. However no witnesses appeared on behalf of this respondent. There was no appearance by or on behalf of the other respondent.

Appellant's case

The appellant stated that her employment with the respondents commenced on 6th March 2006 and ended on 7th March 2009 and that her gross pay was €440.00 gross per week. The representative of the respondent agreed that this was the correct gross weekly pay of the appellant at the date of

cessation.

On 7th March 2009 the appellant was informed that she was being let go with immediate effect. She was not paid wages in lieu of notice. At the time of cessation of employment the appellant was due four weeks holidays for which she has not been paid. The appellant has not received any redundancy lump sum payment to date.

Determination

Having considered the uncontested evidence of the appellant the Tribunal awards the appellant a redundancy lump sum under the Redundancy Payments Acts, 1967 to 2007 based on the following criteria.

DOB	12 th June 1982
Commencement Date	6 th March 2006
Dismissal Notice Received	N/A
Termination date	7 th March 2009
Non Reckonable Service	N/A
Gross pay	€440.00

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

The Tribunal awards the appellant €1,760.00, being four weeks wages, in lieu of holidays under the Organisation of Working Time Act, 1997.

The Tribunal awards the appellant €880.00, being two weeks wages, under the Minimum Notice and Terms of Employment Acts, 1973 to 2005.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

