<center>**EMPLOYMENT APPEALS TRIBUNAL**</center>

APPEAL OF: CASE NO.
EMPLOYEE – *appellant*   RP860/2009

Against

EMPLOYER - *respondent*

under

<center>**REDUNDANCY PAYMENTS ACTS, 1967 TO 2007**</center>

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr P. O'Leary B.L.

Members: Mr M. Flood
                       Mr O. Nulty

heard this appeal at Navan on the 2nd of February 2010

Representation

Appellant: In Person

Respondent: In Person

The decision of the Tribunal was as follows: -

The respondent company is now insolvent. The appellant worked as a plasterer for the respondent from September 2006 until a break in service starting the 24th of January 2008. The appellant re-commenced employment on the 20th of April 2008 with his last working week being the 25th of July 2008. There was no further work for the appellant so the respondent made him redundant.

Determination

The appellant had continuity of service from the 14th of September 2006 until the 1st of December 2008 when he received his P45 from the respondent severing his employment. The date of cessation on the P45 was the 30th of September 2008. It follows then that the appellant had continuity of employment in excess of two years however the reckonable service for the purpose of payment of a Redundancy lump sum would be less than the two years. In this case the appellant qualifies for a Redundancy payment based on his continuous service with the respondent however the reckonable service of the appellant for the purposes of that payment shall be from the 14th of September 2006 to the 25th of July 2008.

The Tribunal awards the appellant a redundancy lump sum under the Redundancy Payments Acts, 1967 to 2007 based on the following criteria:

Date of Birth: 30th June 1981

Date of Commencement: 14th September 2006

Date of Termination: 25th July 2008.

Gross Pay: €526.50

Please note that 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)