

## EMPLOYMENT APPEALS TRIBUNAL

**CLAIM OF:****CASE NO.**

EMPLOYEE - claimant

MN588/09

RP599/09

UD578/09

EMPLOYER - respondent

**under**

**MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2005  
REDUNDANCY PAYMENTS ACTS, 1967 TO 2007  
UNFAIR DISMISSALS ACTS, 1977 TO 2007**

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Mr J Flanagan BL

Members: Mr R Prole  
Ms E Brezinaheard this claim at Naas on 15<sup>th</sup> February 2010.**Representation:**Claimant: Mr Blazej Nowak,  
Polish Consultancy Enterprise, 19 Talbot Street, Dublin 1

Respondent: No appearance by or on behalf of the respondent.

The determination of the Tribunal was as follows:-

At the outset of the hearing the claim under the Unfair Dismissals Acts, 1977 to 2007 was withdrawn.

**Determination:**

Neither the respondent nor a representative appeared on his behalf. The secretary to the Tribunal made telephone contact with the respondent who indicated that he would not be appearing before the Tribunal that day nor did he ask for an opportunity to do so later. The Tribunal is satisfied that the respondent was duly notified of this hearing. The Tribunal notes that notice of the hearing was sent to the respondent by way of registered post and returned marked "gone away". The Tribunal satisfied itself that the name of the employer was as given upon the claimant's wage slip and P60. The claimant provided the Tribunal with headed paper displaying his employer's trading name and

a Companies Registration Office search disclosed that the trading name was registered to the respondent at the address to which the registered letter had been sent.

The claimant was employed to install air conditioners in various businesses but due to the downturn in construction was let go from his employment. Following his receipt of a letter from the Tribunal notifying him of his forthcoming hearing on 15<sup>th</sup> February 2010 at 2.30 pm the claimant telephoned the respondent. He received a text message from the respondent as follows: "I will not be in court that day or any other day until I am served a summons, my lawyer told me".

The claimant's case being uncontroverted the Tribunal finds that the appellant is entitled to a redundancy lump sum under the Redundancy Payments Acts, 1967 to 2007 based on the following criteria:

Date of Birth:	13 <sup>th</sup> November 1984
Date of Commencement:	5 <sup>th</sup> January 2006
Date of Cessation:	11 <sup>th</sup> July 2008
Date of Termination:	18 <sup>th</sup> July 2008
Gross Weekly Wage:	€550.00

This award is made subject to the claimant fulfilling current social welfare requirements in relation to PRSI contributions.

The Tribunal also awards to the claimant €550.00 being the equivalent of one weeks pay under the Minimum Notice and Terms of Employment Acts, 1973 to 2005.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

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