

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:

CASE NO.

EMPLOYEE
MN874/2009

RP939/2009

against
EMPLOYER

under

MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2005 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 11th February 2010

Representation:

Appellant(s) :

The appellant in person

Respondent(s) :

Casey & Co., Chartered Accountants, 3 Day Place, Tralee, Co. Kerry

The decision of the Tribunal was as follows:-

At the outset the respondent agreed that the claimant was entitled to a redundancy lump sum payment. However the respondent pleaded inability to pay this lump sum due to financial constraints. There was still a dispute as to whether or not proper notice of redundancy was given to the claimant and therefore both parties gave evidence in relation to this issue.

Claimant's case

The claimant stated that on the 24th October 2008 the respondent laid him off, without notice, saying there was no work for a few weeks. However the claimant then received his P45 on 7th November 2008 and that was when he realised that his employment had been terminated. He had not been paid wages in lieu of notice.

During cross examination it was put to the claimant that he had been told on a monthly basis that he

was to be made redundant. The claimant denied that he was ever told this.

Respondent's case

The respondent stated that he had made the claimant aware of the impending redundancy on a monthly basis. However he never formally notified the claimant in writing.

Determination

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

DOB	21 st Aug. 1969
Commencement Date	22 nd Feb. 2006
Dismissal Notice Received	N/A
Termination date	24 th Oct. 2008
Non Reckonable Service	N/A
Gross pay	€617.50

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

The Tribunal are satisfied that no proper notice of termination of employment was given to the claimant. Notice must be certain and it is not enough simply to notify an employee that his or her employment will be terminated at some time in the future. Therefore the Tribunal awards the claimant €1,235.00, 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)

