

EMPLOYMENT APPEALS TRIBUNAL

APPEALS OF:

CASE NO.

EMPLOYEE
EMPLOYEE

RP1367/2009, MN1193/2009
RP1368/2009, MN1194/2009

against

EMPLOYER
under

REDUNDANCY PAYMENTS ACTS, 1967 TO 2007
MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2005

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr N. Russell

Members: Mr J. Browne
Mr F. Dorgan

heard this appeal at Wexford on 11th March 2010

Representation:

Appellant : Mr Padge Reck, Sunrise, Mulgannon, Wexford represented the first named appellant.
No representation listed for second named appellant

Respondent : No representation listed

The decision of the Tribunal was as follows:

Following the hearing of initial submissions from the first named appellant for extension of time pursuant to section 24 Redundancy Payments Act, 1967 as amended by section 12(2) Redundancy Payment Act, 1971, it being deemed reasonable by the Tribunal to make such an Order.

The following matters were agreed by the parties in evidence:

- Commencement of apprenticeship was 31 May 2004
- Termination was 31 December 2007 following verbal notice on 17 December that there would be no work after the Christmas break, holiday pay was received.

At the date of dismissal, the appellant had completed three years and seven months of his apprenticeship so that he still was an apprentice at the date of termination of his employment.

The minimum period for an electrical apprenticeship is four years pursuant to the provisions of

Rule 4 of the Apprenticeship Act (Trade of Electrician) Period of Apprenticeship Rules 1964 as amended by the Period of Apprenticeship Amendment Order 1976.

The Tribunal orders as follows:

- The first named appellant is entitled to a statutory redundancy payment pursuant to the Redundancy Payments Acts, 1967 to 2007 and based on the following:

Date of Birth: 25 February 1986
Date of Commencement: 31 May 2004
Date of Termination: 31 December 2007
Gross Weekly Wage: €641.55

Statutory redundancy payments are subjected to a weekly ceiling of €600.00.

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

- There being no evidence before the Tribunal of a breach of the terms of the Minimum Notice and Terms of Employment Acts, 1973 to 2005, the appeal under those Acts is dismissed.

The Tribunal is satisfied that the second named appellant was properly notified of this hearing. Neither he nor a representative on his behalf appeared for this hearing and no effort was made to seek a postponement of his case. Accordingly, his appeals under the Redundancy Payments Acts, 1967 to 2007 and the Minimum Notice and Terms of Employment Acts, 1973 to 2005 are dismissed for want of prosecution.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

