

**EMPLOYMENT APPEALS TRIBUNAL**

CLAIMS OF:

CASE NO.

EMPLOYEE–**Claimant**

UD1425/2008  
RP1268/2008  
MN1367/2008  
WT585/2008

against

EMPLOYER- **Respondent**

under

**UNFAIR DISMISSALS ACTS, 1977 TO 2007**  
**REDUNDANCY PAYMENTS ACTS, 1967 TO 2007**  
**MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1967 TO 2005**  
**ORGANISATION OF WORKING TIME ACT, 1997**

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Mr J Flanagan BL

Members: Mr P Pierson  
Mr P Trehy

heard this appeal at Tullamore on 28<sup>th</sup> October 2009

**Representation:**

Claimant:

Ms Niamh McGowan BL

Respondent:

Mr Kevin Maguire BL instructed by  
Mr Patrick J Ryan, Ryan & Ryan Solicitors,  
5 St Brigid's Road, Clondalkin, Dublin 22

The determination of the Tribunal was as follows:

**Determination:**

At the outset the claim under the Organisation of Working Time Act, 1997 was withdrawn. The respondent then conceded the fact of redundancy and liability under the Minimum Notice Acts. The claim under the Unfair Dismissals Acts, 1977 to 2007 was then withdrawn. The Tribunal finds that the claimant is entitled to a lump sum payment under the Redundancy Payments Acts, 1967 to 2007 based on the following criteria.

Date of Birth

6<sup>th</sup> March 1976

|                      |                              |
|----------------------|------------------------------|
| Employment commenced | 22 <sup>nd</sup> August 2005 |
| Employment ended     | 31 <sup>st</sup> August 2008 |
| Gross weekly pay     | €823-44                      |

This award is made subject to the claimant having been in insurable employment under the Social Welfare Acts during the relevant period. It should be noted that payments from the social insurance fund are limited to a maximum of €600-00 per week. The Tribunal further awards €1,646-88, being two weeks' pay, under the Minimum Notice and Terms of Employment Acts, 1973 to 2005.

The Tribunal notes that there is an agreement between the parties that the claimant receives a total of €7,500-00 with the shortfall between the total of the awards of the Tribunal and the sum of €7,500-00 being paid as an ex-gratia amount by the respondent

Sealed with the Seal of the  
Employment Appeals Tribunal

This \_\_\_\_\_

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