

## EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:  
EMPLOYEE  
– **Appellant A**

CASE NO.  
RP954/2009

EMPLOYEE  
– **Appellant B**

RP955/2009

EMPLOYEE  
– **Appellant C**

RP956/2009

EMPLOYEE  
– **Appellant D**

RP957/2009

against  
EMPLOYER – **Respondent**

under

### REDUNDANCY PAYMENTS ACTS, 1967 TO 2007

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Mr. E. Murray

Members: Mr. J. Hennessy  
Mr. T. Kelly

heard this appeal at Cork on 13th April 2010

#### **Representation:**

Appellant: Mr Jan Jaroslaw Potocki, Polish English Translation,  
"Pilawa", Office 19, 21-23 Oliver Plunkett Street, Cork

Respondent: The directors of the company.

#### **The decision of the Tribunal was as follows:**

The directors of the company conceded that a redundancy situation existed in relation to the termination of Appellant A, B and C's employment but disputed Appellant D's entitlement to a redundancy payment.

The appellants gave evidence of the relevant dates and gross pay with the assistance of a Tribunal appointed translator.

A director of the company gave evidence that the majority of the redundancies in the company

occurred in June 2008. The company attempted to retain Appellant D in its employment for as long as possible. Appellant D went on holidays to Poland on the 4<sup>th</sup> July 2008. The appellant returned on the 27<sup>th</sup> August 2008 and requested his P45. Appellant D indicated to the director at that time that he had secured alternative employment.

Appellant D gave evidence that he had in fact returned from his holidays on the 17<sup>th</sup> August 2008 and worked for the respondent for a period of two weeks after this date. Subsequently, the respondent company had no work for Appellant D. He was provided with his P45 but he did not request this document. Appellant D sought other employment after this and started in new employment on the 15<sup>th</sup> September 2008.

**Determination:**

The Tribunal is satisfied that the appellants are entitled to lump sum payments under the Redundancy Payments Acts, 1967 to 2007, based on the following criteria:

Appellant A:

Date of Birth:	13 <sup>th</sup> November 1981
Date of Commencement:	18 <sup>th</sup> April 2006
Date of Termination:	27 <sup>th</sup> June 2008
Gross Weekly Pay:	€645.00

It should be noted that payments from the social insurance fund are limited to a maximum of €600.00 per week.

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

Appellant B:

Date of Birth:	4 <sup>th</sup> May 1961
Date of Commencement:	12 <sup>th</sup> January 2005
Date of Termination:	24 <sup>th</sup> June 2008
Gross Weekly Pay:	€685.00

It should be noted that payments from the social insurance fund are limited to a maximum of €600.00 per week.

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

Appellant C:

Date of Birth:	23 <sup>rd</sup> January 1972
Date of Commencement:	1 <sup>st</sup> December 2004
Date of Termination:	12 <sup>th</sup> July 2008
Gross Weekly Pay:	€774.00

It should be noted that payments from the social insurance fund are limited to a maximum of

€600.00 per week.

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

Appellant D:

Date of Birth: 1<sup>st</sup> August 1963  
Date of Commencement: 17<sup>th</sup> May 2006  
Date of Termination: 2<sup>nd</sup> September 2008  
Gross Weekly Pay: €645.00

It should be noted that payments from the social insurance fund are limited to a maximum of €600.00 per week.

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)