

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:
EMPLOYEE

CASE NO.
RP1645/2010

- *appellant*

against
EMPLOYER

- *respondent*

under

REDUNDANCY PAYMENTS ACTS, 1967 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms J. McGovern B.L.

Members: Mr D. Peakin
Mr J. Moore

heard this appeal at Drogheda on 8th April 2011

Representation:

Appellant(s) : Patrick Brannigan, Phelan Brannigan, Dyer Street, Drogheda, Co. Louth

Respondent(s) : In Person

The decision of the Tribunal was as follows:-

Background:

The appellant commenced employed with the respondent in September 2007 on a weekly wage of € 400. This later increased to € 350 into her bank account weekly and on Saturday was handed a further € 100 in cash. On October 31st the owner of the respondent's business and her Manager called her into the office to speak to her and asked her to sign a blank RP50 form, as she was being made redundant. She signed it but later called the owner, as she was concerned having signed a blank form.

Three to four weeks later the owner rang to meet her. At the meeting, in a public place, the owner offered a sum for redundancy which equated to five payments at € 350 per week. She refused it. She told the Tribunal that some weeks before she was made redundant her hours were reduced and she only received € 200 per week but no € 100 cash payment. Payslips were submitted into evidence that stated the appellant's gross pay at the end of her employment was € 366.94.

The owner of the respondent business agreed she had made the appellant redundant but that she had only been paid € 350 per week. The appellant had not received a cash payment of € 100 weekly.

She was willing to concede the appellant was entitled to a redundancy payment but at a weekly wage of € 350. She also told the Tribunal that because of her financial status she was unable to pay it.

Determination:

Having carefully considered the evidence adduced by both parties in this case, the Tribunal finds that the appeal under the Redundancy Payments Acts, 1967 to 2007 succeeds and awards the appellant a redundancy lump sum, which is to be calculated on the basis of the following criteria:

Date of Birth:	11 December 1986
Date of Commencement:	25 September 2007
Date of Termination:	31 October 2009
Gross Pay:	€ 366.94

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)