

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:
EMPLOYEE - appellant

CASE NO.
RP875/2009
MN809/2009

against

EMPLOYER - respondent

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: Ms. K.T. O'Mahony BL

Members: Mr. D. Hegarty
Mr. D. McEvoy

heard this appeal in Cork on 11 February 2010

Representation:

Appellant(s) :

Ms. Elaine O'Sullivan, Martin A. Harvey & Co, Solicitors,
Parliament House, 9/10 Georges Quay, Cork

Respondent(s) :

No legal representation

The decision of the Tribunal was as follows:-

The appellant sought redundancy and minimum notice awards claiming that his employment, which had commenced on 25 October 2005 had ended without notice on 19 December 2008. It was contended that his gross weekly pay had been €588.64.

The respondent's managing director (hereafter referred to as MD) told the Tribunal that there was no work "coming down the line". Two weeks before Christmas he told the appellant that there

would be no work after Christmas, but he did not put it in writing. He did not dispute the appellant's entitlement to a redundancy award but was contesting the notice claim.

The appellant told the Tribunal that he got "a week's pay as notice".

Determination:

The Tribunal accepts MD's evidence that two weeks before Christmas he told the appellant that there would be no work after Christmas. However, he terminated the appellant's employment one week later on 19 December. Based on his service with the respondent the appellant is entitled to two weeks notice of the termination of his employment or two weeks' pay in lieu of notice. As the appellant received one week's notice of the termination of his employment the Tribunal finds that he is entitled to payment in lieu of notice in respect of the outstanding week. Accordingly, the Tribunal awards the appellant the sum of €588.64 (this amount being equivalent to one week's gross pay) under the Minimum Notice and Terms of Employment Acts, 1973 to 2005.

Under the Redundancy Payments Acts, 1967 to 2007, the Tribunal finds that the appellant is entitled to a redundancy lump sum based on the following details:

Date of birth:	5 June 1979
Date of commencement:	25 October 2005
Date of termination:	19 December 2008
Gross weekly pay:	€588.64

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)