

## EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:

CASE NO.

Employee

RP1581/2009

WT605/2009

against

Employer

under

### **REDUNDANCY PAYMENTS ACTS, 1967 TO 2007 ORGANISATION OF WORKING TIME ACT 1997**

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Ms E. Kearney

Members: Mr. W. O'Carroll  
Ms H. Murphy

heard this appeal at Loughrea on 26<sup>th</sup> of April 2010

#### **Representation:**

Appellant: In person

Respondent: No appearance or representation on behalf of

The decision of the Tribunal was as follows: -

The Tribunal is satisfied that the respondent was duly notified of the hearing.

#### **Appellant's Case**

The respondent went into receivership in October 2009. The appellant signed and submitted the RP50 form but the respondent failed to sign it. The appellant returned the RP50 form on the 14<sup>th</sup> of July to the respondent for signature but they failed to return it to her.

The appellant was given notice on the 2<sup>nd</sup> of October that the branch of the respondent she was working in would be closing; there was no definitive date for the closure. The last day the appellant worked was the 27<sup>th</sup> of February 2009. The respondent requested her not to take her holidays as they were busy with the closure but informed her they would pay all holidays due to her with her last pay, the respondent failed to do this.

#### **Determination:**

Based on the uncontested evidence of the appellant the Tribunal finds that the appeal under the Redundancy Payments Acts, 1967 to 2007 succeeds and awards the appellant a Redundancy Lump sum under the based on the following criteria:

Date of birth 12<sup>th</sup> July 1983

Date employment commenced 2<sup>nd</sup> October 2006

Date employment ceased 27<sup>th</sup> March 2009

Gross weekly pay €519.05

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

The Tribunal finds that the claim under the Organisation of Working Time Act 1997 succeeds and awards the appellant the sum of €276.13 being the equivalent of 2.66 days pay.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

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