

## EMPLOYMENT APPEALS TRIBUNAL

**APPEAL OF:**

EMPLOYEE

- *appellant*

**CASE NO.**

RP2069/2009

Against

*EMPLOYER*

- *respondent*

under

### REDUNDANCY PAYMENTS ACTS, 1967 TO 2007

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Mr. D. Mac Carthy, S.C.

Members: Mr J. Hennessy  
Mr A. Butler

heard this appeal at Abbeylax on 30th March 2010

#### **Representation:**

Appellant: In Person

Respondent: In Person

The decision of the Tribunal was as follows:-

#### **Determination**

The appellant was employed as a machine operator by the respondent. The appellant was placed on temporary lay off which commenced on 2<sup>nd</sup> May 2009. In July 2009 the appellant sent an RP9 to the respondent notifying him of his intention to claim a redundancy lump sum payment. On receipt of the RP9 the respondent tried to make contact with the appellant to inform him that he could provide him with a few weeks work but could not commit to a period of continuous employment of not less than 13 weeks.

Both parties agreed that there had been a previous lay off period of 21 weeks, which commenced on 14<sup>th</sup> January 2008.

Based on the evidence presented at the hearing the Tribunal are satisfied that a genuine redundancy situation existed. Therefore, the appellant is entitled to a redundancy lump sum under the Redundancy Payments Acts, 1967 to 2003 based on the following criteria:

Date of Birth: 13<sup>th</sup> March 1983  
Date of Commencement: 13<sup>th</sup> November 2001  
Date of Termination: 2<sup>nd</sup> May 2009  
Non Reckonable Service: 14<sup>th</sup> January 2008 – 09<sup>th</sup> June 2008  
Gross Pay: €418  
Amount of Redundancy: €6328.52

This award is subject to the appellant having been in employment which is insurable for all purposes under the Social Welfare Consolidation Act 2005.

A ceiling of €600 per week applies to any payments from the Social Insurance Fund.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

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

