

EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:

EMPLOYEE

– *appellant*

CASE NO.

RP1562/2009

Against

EMPLOYER

- *respondent*

under

REDUNDANCY PAYMENTS ACTS, 1967 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms D. Donovan

Members: Mr J. Browne
Ms S. Kelly

heard this appeal at Carlow on 23rd March 2010

Representation:

Appellant: In Person

Respondent: In Person

The decision of the Tribunal was as follows:-

Appellant's Case

The appellant told the Tribunal that she was employed by the respondent as a full time shop assistant from 13th July 2004. On 17th October 2008 the respondent informed the appellant that he could no longer afford to have her as a full time member of staff and therefore was placing her on part time hours. The appellant was agreeable to this arrangement but anticipated that it would only be a temporary situation.

Respondent's Case

The respondent told the Tribunal that his shop had lost a lot of money and could no longer afford to trade. Accordingly, he informed the appellant that she was being made redundant. The respondent told the Tribunal that his accountant based the redundancy calculation on the appellant's rate of pay for the last 26 weeks of employment. He filled out the RP50 and sent it to the Department of Enterprise, Trade & Employment. He told the Tribunal that the only dispute between the parties is the issue of pay.

Determination:

The Tribunal having carefully considered the evidence adduced at the hearing. The Tribunal finds that a genuine redundancy situation existed in relation to the claimant's employment as a result of the closure of the respondent's business for economic reasons. Therefore, the claim under Redundancy Payments Acts, 1967 to 2007 succeeds and the appellant is entitled to a redundancy payment based on:

Date of Birth:	20 th June 1960
Date of Commencement:	13 th July 2004
Date of Termination:	29 th May 2009
Normal Weekly Remuneration:	€365

Per curiam: Redundancy to be calculated on the basis of the claimant's whole-time salary rather than on the reduced hours.

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

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

