

## EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:

CASE NO.

EMPLOYEE

RP1283/2009  
WT512/2009

against

EMPLOYER

under

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

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Mr R. Maguire, B.L.

Members: Mr M. Noone  
Mr F. Barry

heard this appeal at Dublin on 26th March 2010

Representation:

\_\_\_\_\_

Appellant: The appellant in person

Respondent(s): No representation or attendance by or on behalf of the respondent

The decision of the Tribunal was as follows: -

### **Determination**

The appellant in sworn evidence told the Tribunal that he commenced employment with the respondent on 10 May 1999. On 13 December 2008 he was informed that he was going to be placed on a three-day week. On 13 January 2009 he was informed that he was going to be on lay off for two weeks. On 26 January 2009 he was informed he was going to be on lay off for four weeks and on 25 February 2009 he was informed that he was going to be on lay off for four weeks.

On 4 March 2009 he completed form RP9 but he did not receive a response from his employer. On 30 March 2009 he was informed that he was going to be on temporary lay off for at least four weeks. The appellant stated that he has been ill since the end of February 2009.

The appellant told the Tribunal that he was owed holiday pay for 2008 and 2009.

Based on the uncontested evidence of the appellant the Tribunal finds that the appellant is entitled to a redundancy lump sum under the Redundancy Payments Acts 1967 to 2007 based on the

following criteria:-

Date of birth	08 March 1953
Date employment began	10 May 1999
Date employment ceased	04 March 2009
Gross weekly pay	€780.00
Period of lay off	13 January 2009 to 04 March 2009

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

There is a weekly statutory ceiling of €600.00 on all awards made from the Social Insurance Fund.

The appellant is entitled to compensation in lieu of six weeks holidays in the amount of €4,680.00 (€780.00 per week) under the Organisation of Working Time Act, 1997

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

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

