

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:
Employee - appellant

CASE NO.
RP722/2009
MN685/2009
WT288/2009

against

Employer - respondent

under

**REDUNDANCY PAYMENTS ACTS, 1967 TO 2007
MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2005
ORGANISATION OF WORKING TIME ACT, 1997**

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms. S. Behan BL

Members: Ms. M. Sweeney
Ms. P. Doyle

heard this appeal in Cork on 29 January 2010

Representation:

Appellant:

Mr. Barry Murphy, Eugene Carey & Co., Solicitors,
Courthouse Chambers, Mallow, Co. Cork

Respondent :

No attendance or representation

The decision of the Tribunal was as follows:-

At the beginning of the hearing the Tribunal was told that the claim lodged under the Organisation of Working Time Act, 1997, was not being pursued.

Questioned by the Tribunal, the appellant's representative told the Tribunal that the appellant had never received payslips and that he did not have a P45. The representative stated that the appellant had received a weekly cheque for €600.00 and that the respondent had dealt with tax and P.R.S.I. The appellant's gross weekly pay was €720.00. He stated that the employment had commenced on 4 March 2003. Redundancy and minimum notice awards were sought in respect of

an employment that had ended on 28 March 2008.

Giving sworn testimony, the appellant said that he had been called to the managing director's office and had been told that there was no more work. He received his wages for his last week and holiday pay but did not receive a minimum notice payment. He sought redundancy and minimum notice awards from the Tribunal.

No evidence was offered by or on behalf of the respondent.

Determination:

As, at the beginning of the hearing, the Tribunal was told that the claim lodged under the Organisation of Working Time Act, 1997, was not being pursued, the Tribunal deems it to have been withdrawn.

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:	12 July 1977
Date of commencement:	04 March 2003
Date of termination:	28 March 2008
Gross weekly pay:	€720.00

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.

Also, the Tribunal, in allowing the claim under the Minimum Notice and Terms of Employment Acts, 1973 to 2005, awards the appellant the sum of €2,880.00 (this amount being equivalent to four weeks' gross pay at €720.00 per week).

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)