

CORRECTING ORDER

EMPLOYMENT APPEALS TRIBUNAL

APPEALS OF:
EMPLOYEE
- *appellant 1*

CASE NO.
RP1416/2009
MN1236/2009

EMPLOYEE
- *appellant 2*

RP1417/2009
MN1237/2009

against

EMPLOYER
-*respondent*

under

**MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2005
REDUNDANCY PAYMENTS ACTS, 1967 TO 2007**

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms F. Crawford B.L.

Members: Mr T. O'Grady
Mr G. Whyte

heard this appeal at Dublin on 30th April 2010

Representation:

Appellants: Mr Brendan Macpartlin, Crosscare, 1 Cathedral Street, Dublin 1

Respondent: Sherrys Solicitors, Palmerstown Avenue, Palmerstown, Dublin 20

The decision of the Tribunal was as follows:-

This order corrects the original order dated, June 3rd 2010 and should be read in conjunction with that order.

The Date of Birth for appellant 2 should read 17th May 1985 **and not 17th May 1995** as shown in the original order.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

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Representation:

Appellants: Mr Brendan Macpartlin, Crosscare, 1 Cathedral Street, Dublin 1

Respondent: Sherrys Solicitors, Palmerstown Avenue, Palmerstown, Dublin 20

The decision of the Tribunal was as follows:-

Determination: (appellant 1)

At the outset of the hearing the claim under the Minimum Notice and Terms of Employment Acts, 1973 to 2005 was withdrawn in respect of appellant 1.

The respondent conceded that a redundancy situation existed. The Tribunal awards the appellant a redundancy lump sum under the Redundancy Payments Acts, 1967 to 2007 based on the following criteria:

| | |
|----------------------|---------------------------------|
| Date of Birth | 23 rd December 1957 |
| Date of Commencement | 15 th September 2005 |

| | |
|----------------------------|----------------------------|
| Date of Termination | 6 th March 2009 |
| Normal Weekly Remuneration | €700 |

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

It should be noted that a statutory weekly ceiling of €600.00 applies to payments from the Social Insurance Fund.

Determination: (appellant 2)

Both parties agreed that the appellant was entitled to two weeks minimum notice. The appellant had received payment in respect of one week's minimum notice and payment of one week was outstanding. The Tribunal awards the appellant €820 compensation (being the equivalent of one weeks pay) under the Minimum Notice and Terms of Employment Acts 1973 to 2005.

The respondent conceded that a redundancy situation existed. The Tribunal awards the appellant a redundancy lump sum under the Redundancy Payments Acts, 1967 to 2007 based on the following criteria:

| | |
|----------------------------|--------------------------------|
| Date of Birth | 17 th May 1995 |
| Date of Commencement | 23 rd January 2006 |
| Date of Termination | 21 st February 2009 |
| Normal Weekly Remuneration | €820 |

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

It should be noted that a statutory weekly ceiling of €600.00 applies to all payments from the Social Insurance Fund.

