

## EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:  
*EMPLOYEE –appellant*

CASE NO.  
RP1716/2009

Against

EMPLOYER -*respondent*

under

### REDUNDANCY PAYMENTS ACTS, 1967 TO 2007

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Mr M. Gilvarry

Members: Mr. D. Morrison  
Ms. R. Kerrigan

heard this appeal at Sligo on 20th January 2010

#### **Representation:**

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Appellant: In Person

Respondent: Ms. Sharon O'Donovan, Donovan Keogh Chartered Accountants & Registered Auditors, Seaview Offices, 60 Main Street, Howth, Co. Dublin

The decision of the Tribunal was as follows:-

#### **Appellant's Case**

The appellant commenced employment on the 11<sup>th</sup> of October 2004. The respondent gave her the dismissal notice on the 5<sup>th</sup> of February 2009 to finish on the 27<sup>th</sup> of February 2009. The appellant took a 20% decrease to her gross salary due to the difficulty the respondent company was in. The appellant believed this salary reduction was temporary one and agreed to it on that basis. The respondent agreed that the appellant's Redundancy would be calculated based on her original salary.

#### **Respondent's Case**

Due to the difficulty the respondent company was in he was forced to reduce the appellant's salary by 20% in November 2008. The Respondent has conceded that a Redundancy situation existed but has arranged to pay the lump sum based on the appellant's reduced salary.

#### **Determination**

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:	2 <sup>nd</sup> of February 1983
Date of Commencement:	11 <sup>th</sup> October 2004
Date of Termination:	27 <sup>th</sup> February 2009
Gross Pay:	€567.66

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

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

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