

EMPLOYMENT APPEALS TRIBUNAL

APPEALS OF:
EMPLOYEE – *appellant*

CASE NO.
RP2485/2009
MN2040/2009

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. D. Donovan

Members: Mr. J. O'Neill
Ms. E. Brezina

heard this appeal at Dublin on 19th July 2010

Representation:

Appellant: Mr. Oisín Scollard BL, instructed by Mr. William Joyce of Hughes & Liddy
Solicitors, 2 Upper Fitzwilliam Street, Dublin 2

Respondent: In person

The decision of the Tribunal was as follows:-

Determination:

It was common case that the appellant's employment was terminated because of a downturn in the respondent's business and that a redundancy situation exists. There was disagreement over the date of termination of the appellant's employment. The Tribunal finds that the date of termination was 12th January 2009, the date the respondent wrote to the appellant informing him of his redundancy and forwarding his P.45. The Tribunal awards the appellant a redundancy lump sum under the Redundancy Payments Acts, 1967 to 2007 based on the following information:

Date of Birth:	15 th March 1985
Date of Commencement:	13 th June 2005
Date of Termination:	12 th January 2009
Gross Weekly Wages:	€652.86

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.

The respondent maintained that he had verbally given the appellant notice during an informal on site meeting. The appellant had no recollection of this event. The Tribunal is not satisfied that the appellant was properly given notice and accordingly the claim under the Minimum Notice and Terms of Employment Acts 1973 to 2005 succeeds and the appellant is awarded €1305.72 being two weeks wages.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)