

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:

- *appellant* EMPLOYEE

RP2370/2009

CASE NO.

MN1963/2009

WT892/2009

against
EMPLOYER

- *respondent*

under

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

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms N. O'Carroll-Kelly BL

Members: Mr. T. O'Sullivan
Mr O. Nulty

heard this appeal at Monaghan on 19th July 2010

Representation:

Appellant(s) : In Person

Respondent(s) : In Person

The decision of the Tribunal was as follows:-

Background:

The respondent conceded that the appellant was entitled to a redundancy payment but refuted his claim for minimum notice as the appellant had issued him with an RP9 form. The appellant stated that he had submitted an RP9 form on September 1st 2009. Four days later he was offered three days work and later a few days work in October and November only. He never worked for the respondent again after November 3rd 2009.

Determination:

The Tribunal have carefully considered the submissions from both parties in this case. The respondent has conceded the claim for redundancy. Therefore under the Redundancy Payments Acts, 1967 to 2007 the appellant is awarded a redundancy lump sum, which is to be calculated on the basis of the following criteria:

Date of Birth:	12 February 1955
Date of Commencement:	01 March 1999
Date of Termination:	03 November 2009
Gross Pay:	€ 522.50

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

The Tribunal are satisfied that at the time of the hearing the appellant had not formally claimed a redundancy payment in respect of layoff and therefore is entitled to a payment. Therefore loss having been established the Tribunal awards the sum of € 3135.00, the being six weeks gross pay under the Minimum Notice and Terms of Employment Acts, 1973 to 2005.

The claim under the Organisation of Working Time Act, 1997 is dismissed.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

