

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:
EMPLOYEE - appellant

CASE NO.
RP770/2009
MN723/2009
WT300/2009

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: Mr. J. Sheedy

Members: Mr. D. Hegarty
Ms. H. Kelleher

heard this appeal in Cork on 12 February 2010

Representation:

Appellant(s):
In person

Respondent(s):
No attendance or representation

The decision of the Tribunal was as follows:-

The appellant sought a redundancy award based on an employment which commenced on 1 February 2003 and ended (allegedly without appropriate formal notice) on 20 October 2008 due to redundancy. His gross weekly pay was €670.57.

As well as a minimum notice award the appellant sought seven weeks' outstanding holiday pay going back six years. He admitted that he had received two weeks' holiday pay in his last year of employment.

No-one attended the Tribunal hearing on behalf of the respondent.

Determination:

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:	25 August 1981
Date of commencement:	1 February 2003
Date of termination:	20 October 2008
Gross weekly pay:	€670.57

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, as no-one came to the hearing on behalf of the respondent to contest the appellant's minimum notice claim the Tribunal has no alternative but to allow the claim. Under the Minimum Notice and Terms of Employment Acts, 1973 to 2005, the Tribunal awards the appellant the sum of €2,682.28 (this amount being equivalent to four weeks' gross pay at €670.57 per week)

In addition, as no-one attended the hearing to contest the appellant's claim under the Organisation of Working Time Act, 1997, in respect of outstanding holidays the Tribunal has no alternative but to make an award but the Tribunal has taken into account the two weeks' holidays that the appellant did take in 2008. Also, section 23 of this Act prevents the making of an award in respect of holiday pay regarding years prior to the appellant's final year of employment. Therefore, under the Organisation of Working Time Act, 1997, the Tribunal awards the appellant the sum of €824.80 (this amount being equivalent to 1.23 weeks' gross pay at €670.57 per week) in respect of outstanding holidays at time of termination of employment.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)