

## EMPLOYMENT APPEALS TRIBUNAL

CLAIM(S) OF:

CASE NO.

EMPLOYEE

-Claimant

UD1029/2009

RP515/2010

against

EMPLOYER

-Respondent

under

### UNFAIR DISMISSALS ACTS, 1977 TO 2007 REDUNDANCY PAYMENTS ACTS, 1967 TO 2007

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Mr. R. Maguire B.L.

Members: Mr. M. Carr  
Mr. G. Whyte

heard this claim at Dublin on 6th April 2010 and 9th July 2010

#### **Representation:**

Claimant: Mr. Ivan Williams, Williams, Solicitors, 29/30 Dame Street, Dublin 2

Respondent: The respondent was represented by Doyle Associates, Solicitors, 56 Main Street, Rathfarnham, Dublin 14 on the 6<sup>th</sup> April 2010.

There was no appearance or representation for the respondent on the 9<sup>th</sup> July 2010.

#### **The determination of the Tribunal was as follows:**

Representation for the claimant on the 6<sup>th</sup> April 2010, applied to the Tribunal to submit a claim under the Redundancy Payment Acts, 1967 to 2007. The Tribunal subsequently received a second T1A form from the claimant on the 7<sup>th</sup> April 2010.

There was no appearance or representation on behalf of the respondent on the 9<sup>th</sup> July 2010. The Tribunal being satisfied that the respondent was properly notified of the hearing, proceeded to hear the claims.

Representation for the claimant outlined to the Tribunal that the claimant worked as a chef for the respondent from September 2001. In mid-September 2008 a fire occurred at the premises and it was razed to the ground. The premises did not re-open and the claimant sought unemployment benefit in mid-October 2008.

**Determination:**

The Tribunal is satisfied that reasonable cause existed to extend the time limit for the claim under the Redundancy Payment Acts, 1967 to 2007, as set out under S.24, as amended by S.12.

The Tribunal is satisfied the claimant is entitled to a lump sum payment under the Redundancy Payments Acts, 1967 to 2007, based on the following criteria:

Date of Birth:	18 <sup>th</sup> October 1982
Date of Commencement:	15 <sup>th</sup> September 2001
Date of Termination:	14 <sup>th</sup> October 2008
Gross Weekly Pay:	€550.00

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

The Tribunal dismisses the claim under the Unfair Dismissals Acts, 1977 to 2007, having found that a redundancy situation occurred in relation to the termination of the claimant's employment.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

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