

## EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:

CASE NO.

Employee

*appellant*

MN2177/2009

RP2676/2009

against

Employer

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: Mr. T. Ryan

Members: Mr R. Murphy  
Mr F. Barry

heard this appeal at Dublin on 12th July 2010

Representation:

\_\_\_\_\_

Appellant(s): The appellant in person

Respondent(s): MD of respondent

The decision of the Tribunal was as follows:-

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

The appellant told the Tribunal that he commenced employment with the respondent on 8 October 2007. He was informed the end of July 2009 that he would be placed on lay off in August 2009. He was called back to work straight away. He was placed on temporary lay off in September 2009.

He did not receive a call from the respondent on 25 September 2009. He telephoned the respondent on numerous occasions but he did not know where he stood. He received a letter dated 1 October 2009 from the respondent on the 4 October 2009 in which it was outlined that his employment had ceased. The last payment he received from the respondent was for holiday pay.

## **Respondent's Case**

SM told the Tribunal that CK telephoned the appellant on 25 September 2009 and informed him that there was no work for him for the foreseeable future. The appellant received two weeks pay in July 2009 for holiday pay and notice.

CK on behalf of the respondent told the Tribunal that she telephoned the appellant on Friday 25 September 2009 and told him that he was being let go. The respondent by letter dated 1 October 2009 informed the appellant that he was being let go as and from 1 October 2009.

## **Determination**

The Tribunal finds that as the appellant was notified by letter dated 1 October 2009 that this should be regarded as his period of notice and his employment terminated on 8 October 2009. The Tribunal finds that the appellant is entitled to a redundancy lump sum payment under the Redundancy Payments Acts, 1967 to 2007 based on the following criteria:-

Date of birth:	13 October 1979
Date employment commenced	08 October 2007
Date employment ceased	08 October 2009
Gross weekly pay	€561.60
Period of temporary lay off	1 September to 30 September 2009

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

The Tribunal is entitled to compensation in lieu of notice in the amount of €561.60 which is equivalent to one week's gross pay under the Minimum Notice and Terms of Employment Acts, 1973 to 2005.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

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

