

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:
EMPLOYEE – *appellant*

CASE NO.
RP2493/2009
MN2044/2009

against

EMPLOYER – *respondent*

under

**REDUNDANCY PAYMENTS ACTS, 1967 TO 2007
MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2005**

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr D Mac Carthy SC

Members: Mr D Winston
Mr M O'Reilly

heard this appeal at Dublin on 7th July 2010

Representation:

Appellant(s): Mr John Murphy
SIPTU
Construction Branch, Liberty Hall, Dublin 1

Respondent(s): No appearance or representation

The decision of the Tribunal was as follows:

There was no appearance by or representation on behalf of the respondent company. The Tribunal is satisfied that the respondent company was on notice of the hearing.

On August 28th 2009 a director of the respondent company told the appellant, and three other employees, that there was no more work. He said he would provide their P45's the following Monday. The appellant asked for a redundancy payment but the director said he couldn't afford to pay it. The claimant did not receive a payment in lieu of notice.

Determination:

Based on the uncontested evidence of the appellant the Tribunal finds that he is entitled to a redundancy lump sum payment under the Redundancy Payments Acts based on the following information:

Date of Birth:	26 th April 1974
Date of Commencement:	1 st January 2003
Date of Termination:	28 th August 2009
Weekly Gross Pay:	€850.00

This award is made subject to the appellant having been in insurable employment under the Social Welfare Acts during the relevant period. It should be noted that a statutory weekly ceiling of €600.00 applies to payments from the Social Insurance Fund.

The Tribunal awards the appellant €3,400 (three thousand four hundred euro) in respect of four weeks' pay under the Minimum Notice and Terms of Employment Acts.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)