

**EMPLOYMENT APPEALS TRIBUNAL**

APPEAL(S) OF:

CASE NO.

EMPLOYEE  
MN968/2009

RP1074/2009

against  
EMPLOYER

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: Ms. E. Kearney  
Members: Mr. A. O'Mara  
Mr F. Barry

heard this appeal at Tralee on 9th February 2010

Representation:

\_\_\_\_\_

Appellant(s) :

Mr. Con Casey, Siptu, Connolly Hall, Upper Rock Street, Tralee, Co Kerry

Respondent(s) :

Sheehan Ryan & Company, Solicitors, 61/62 New Street, Killarney, Co Kerry

The decision of the Tribunal was as follows:-

Both parties agreed commencement and termination date of employment together with gross pay and other details as per form T1A.

The respondent did not dispute the claim for a redundancy lump sum. However the respondent pleaded inability to pay such monies due to financial constraints. The Tribunal notes that the company is no longer trading.

**Claimant's case**

The claimant stated that he had not received notice of termination of employment until 5<sup>th</sup> January 2009. This notice was verbal and he had not previously been given any formal written notice. The employment ended on 9<sup>th</sup> January 2009.

**Respondent's case**

The respondent stated that he had given the claimant written notice of termination of employment together with his pay slip on 12<sup>th</sup> December 2008.

On the basis of evidence heard the Tribunal is not satisfied that adequate notice of termination of employment in accordance with the Minimum Notice And Terms Of Employment Acts, 1973 to 2005 was given to the claimant and therefore awards the claimant €2,048.00.

The Tribunal awards the claimant a redundancy lump sum under the Redundancy Payments Acts, 1967 to 2007 based on the following criteria.

DOB	3 <sup>rd</sup> Feb. 1967
Commencement Date	11 <sup>th</sup> Jan. 1999
Date of Notice of Termination	5 <sup>th</sup> Jan. 2009
Termination date	9 <sup>th</sup> Jan. 2009
Gross pay	€640.00

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

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

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

