

EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:
EMPLOYEE –**Appellant**

CASE NO.
RP1211/09
MN1071/09
WT474/09

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. N. Russell

Members: Mr. J. Browne
Ms. S. Kelly

heard this appeal at Carlow on 17th May 2010

Representation:

Appellant: In Person

Respondent: No appearance or representation on behalf of the respondent.

The decision of the Tribunal was as follows:

The Tribunal is satisfied that the respondent was duly notified of the hearing.

The appellant gave evidence with the assistance of a Tribunal appointed translator. The appellant's T1A form detailed that on his return from annual leave on the 16th January 2009, the respondent informed the appellant that there was no work available at that time. The appellant was subsequently asked to attend at the respondent's premises on the 26th January 2009, on which date the respondent informed him that he had no work for the appellant and provided him with a P45.

Determination:

The Tribunal is satisfied from the uncontested evidence of the appellant that he is entitled to a lump sum payment under the Redundancy Payments Acts, 1967 to 2007, based on the following criteria:

Appellant:

Date of Birth: 30th June 1956
Date of Commencement: 21st February 2006
Date of Termination: 26th January 2009
Gross Weekly Pay: €700.00

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.

The Tribunal is satisfied that the appellant is entitled to €1,400.00 (being the equivalent of two weeks gross pay) under the Minimum Notice and Terms of Employment Acts, 1973 to 2005.

The appellant informed the Tribunal that he had pursued his claim for holiday pay at another forum. Therefore, the Tribunal dismisses the claim before it under the Organisation of Working Time Act, 1997.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)