

EMPLOYMENT APPEALS TRIBUNAL

CLAIM(S) OF:

CASE NO.

EMPLOYEE

UD151/2009

RP151/2009

against

EMPLOYER

under

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

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr J Flanagan BL

Members: Mr D Winston

Mr J Maher

heard this claim at Dublin on 9th July 2009 and 6th November 2009

Representation:

Claimant: Mr Blazej Nowak, Polish Consultancy Enterprise, 19 Talbot Street, Dublin 1

Respondent: The respondent in person

Determination:

The determination of the Tribunal was as follows: -

The claim under the Unfair Dismissals Acts, 1977 to 2007 was withdrawn at the outset.

The claimant had been on temporary lay-off from the respondent company since 17th November 2008. The claimant applied for redundancy on 19th December 2008 and submitted Form RP9 to the respondent. The respondent did not respond to the submission of Form RP9 within seven days with an offer of at least thirteen weeks employment without lay-off or short-time to commence within four weeks of the date of the service of the Form RP9 and therefore the Tribunal finds that the claimant is entitled to redundancy from the respondent. The Tribunal therefore awards to the claimant a lump sum payment in accordance with the Redundancy Payments Acts, 1967 to 2007; this award to be calculated on the basis of the following criteria: -

DATE OF BIRTH	15 TH OCTOBER 1960
DATE OF COMMENCEMENT	16 TH OCTOBER 2006
GROSS PAY	€790.00
DATE OF LAY-OFF	14 TH NOVEMBER 2008
DATE OF NOTICE (RP9)	19 TH DECEMBER 2008
DATE OF TERMINATION	26 TH DECEMBER 2008

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 any payment made from the Social Insurance Fund is calculated on the basis of a maximum allowable earnings of €600 per week.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)