

**EMPLOYMENT APPEALS TRIBUNAL**

APPEAL(S) OF:  
EMPLOYEE – *appellant*

CASE NO.  
RP1670/2009

against  
EMPLOYER – *respondent*

under

**REDUNDANCY PAYMENTS ACTS, 1967 TO 2007**

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Mr C Corcoran BL

Members: Mr M Murphy  
Mr O Nulty

heard this appeal at Mullingar on 14th July 2010

Representation:

\_\_\_\_\_

Appellant(s) : Ms Mary Merrigan  
Co Westmeath Citizens Information Service  
Market Square, Mullingar, Co Westmeath

Respondent(s): Mr Michael McGrath, IBEC  
Confederation House, 84/86 Lower Baggot Street, Dublin 2

The decision of the Tribunal was as follows:

A representative for the respondent company contended that the company agreed that the appellant is entitled to a redundancy payment based on the dates submitted. However, the company contended that the correct gross weekly pay was €390.00. The claimant was seeking to have his subsistence payment included in his gross pay.

The claimant, a coach driver, contended that he was told that his pay was €531.00 and that the subsistence was put down for tax reasons. The P45 and P60 reflected the €390.00 rate of pay. He accepted that the €390.00 per week rate of pay. He contended that his employment was terminated due to a lack of work.

Determination:

The Tribunal finds that a redundancy situation existed and that the appellant is entitled to a redundancy lump sum payment under the Redundancy Payments Acts, 1967 to 2007, based on the following information:

|                       |                               |
|-----------------------|-------------------------------|
| Date of Birth:        | 7 <sup>th</sup> July 1952     |
| Date of Commencement: | 6 <sup>th</sup> October 2003  |
| Date of Termination:  | 20 <sup>th</sup> January 2009 |
| Weekly Gross Pay:     | €390.00                       |

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

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

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