

**EMPLOYMENT APPEALS TRIBUNAL**

APPEAL(S) OF:  
EMPLOYEE - appellant

CASE NO.  
RP46/2010  
MN26/2010

and

EMPLOYEE- appellant

RP80/2010  
MN52/2010

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: Ms. K.T. O'Mahony BL

Members: Ms. M. Sweeney  
Ms. H. Kelleher

heard these appeals in Cork on 14 May 2010

Representation:

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Appellants:

Mr. Eoin Murphy, Eoin Murphy, Solicitors,  
First Floor, Watersedge,  
Midleton,  
Co. Cork

Respondent:

No attendance or representation

The decision of the Tribunal was as follows:-

The first-named appellant sought a minimum notice award and a redundancy lump sum claiming

that his employment with the respondent, which commenced on 1 July 1999, ended by reason of redundancy on Friday 14 November 2008, having been told on Tuesday 11 November 2008 that no more work was available. He confirmed that there had been no breaks in his service in the last three years of his employment. His gross weekly pay was assessed as being €693.75.

The second-named appellant sought a minimum notice award and a redundancy lump sum claiming that his employment with the respondent, which commenced on 1 January 1994, ended by reason of redundancy on Friday 14 November 2008, having been told on Tuesday 11 November 2008 that no more work was available.. He confirmed that there had been no breaks in his service in the last three years of his employment. His gross weekly pay (according to what was recorded in formal documentation from financial returns made by the respondent) was assessed at €357.00.

No evidence was offered by or on behalf of the respondent in respect of either appellant.

### **Determination:**

Under the Redundancy Payments Acts, 1967 to 2007, the Tribunal finds that the first-named appellant is entitled to a redundancy lump sum based on the following details;

Date of birth:	07 August 1968
Date of commencement:	01 July 1999
Date of termination:	14 November 2008
Gross weekly pay:	€693.75

Under the Redundancy Payments Acts, 1967 to 2007, the Tribunal finds that the second-named appellant is entitled to a redundancy lump sum based on the following details:

Date of birth:	07 July 1955
Date of commencement:	01 January 1994
Date of termination:	14 November 2008
Gross weekly pay:	€357.00

It should be noted that payments from the social insurance fund are limited to a maximum of €600.00 per week.

These awards are made subject to the appellants having been in insurable employment under the Social Welfare Acts during the relevant period.

Under the Minimum Notice and Terms of Employment Acts, 1973 to 2005, the Tribunal awards the first-named appellant the sum of €2,358.75 (this amount being equivalent to 3.4 weeks' gross pay at €693.75 per week).

Under the Minimum Notice and Terms of Employment Acts, 1973 to 2005, the Tribunal awards the second-named appellant the sum of €1,927.80 (this amount being equivalent to 5.4 weeks' gross

pay at €357.00 per week).

The Tribunal notes that the appellants withdrew their claims for implementation of Rights Commissioner's Decisions UD 78412/09/MR and UD 78374/09/MR.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

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

