

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:

CASE NO.
RP1052/2009

EMPLOYEE

- *appellant*

against

EMPLOYER

- *respondent*

under

REDUNDANCY PAYMENTS ACTS, 1967 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr. D. Mac Carthy S C

Members: Mr. A. O'Mara
Mr. J. Dorney

heard this appeal at Dublin on 17th August 2010

Representation:

Appellant(s) : In Person

Respondent(s) : Mr. Paul W. Mackay, Malone Power & Co., Chartered Accountants,
21 Marlborough Road, Donnybrook, Dublin 4

The decision of the Tribunal was as follows:-

Determination:

The appellant is the Executrix of the deceased. The deceased was seriously ill but continued to work for the period of time he was receiving treatment. He was absent for a period of some months.

The contract he had been managing had come to an end and he was not replaced. We are satisfied a de facto redundancy existed in December 2008 but the exact terms were not agreed at that point and the required documentation were not completed due to his illness.

Accordingly the Tribunal find he is entitled to a redundancy lump sum under the Redundancy Payments Acts 1967 to 2007 based on the following criteria:

Date of Birth: 28 May 1950
Date of Commencement: 18 February 2004
Date of Termination: 17 December 2008
Gross Pay: € 1049.82

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

A statutory ceiling of €600.00 applies to all payments from the Social Insurance Fund.

Sealed with the Seal of the
Employment Appeals Tribunal

This _____
(Sgd.) _____
(CHAIRMAN)