

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:

CASE NO.

EMPLOYEE

RP2577/2009

against
EMPLOYER

under

REDUNDANCY PAYMENTS ACTS, 1967 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr E. Murray
Members: Ms M. Sweeney
Mr J. Flavin

heard this appeal at Cork on 28th July 2010

Representation:

Appellant(s) :

Ms Deirdre Malone, PJ O'Driscoll & Sons, Solicitors, 73 South Mall, Cork

Respondent(s) :

Michael Malone, Michael Malone & Company Solicitors, Blarney, Co. Cork

The decision of the Tribunal was as follows:-

Appellant's case

The appellant stated that he commenced employment with the respondent on 1st July 1979. At some time in November 2008 the appellant was placed on a short time working arrangement and on 21st September 2009 he served a form RP9 on the respondent. One week later the respondent met with the appellant and asked him to sign a form RP50. However the appellant stated that he would not sign this as the respondent had not made any payment to him. The appellant left the employment on 28th September 2009.

Respondent's case

The respondent did not dispute the above dates and agreed that the appellant had been on a short time working arrangement. At the time of being served with the form RP9 the respondent was not in a position to offer the appellant a return to full time employment for at least thirteen consecutive weeks. The respondent agreed that the appellant was entitled to a redundancy lump sum payment but claimed inability to pay this due to financial constraints.

Determination

Having considered the evidence of the appellant and the respondent the Tribunal is satisfied that the appellant was on a period of short time working which lasted for at least four consecutive weeks and is consequently entitled to succeed in his claim for redundancy. The Tribunal awards the appellant a lump sum redundancy payment under the Redundancy Payments Acts, 1967 to 2007 based on the following criteria.

DOB	4 th May 1950
Commencement Date	1 st July 1979
Date notice received	N/A
Termination date	28 th September 2009
Gross pay	€454.78

This award is made subject to the claimant having been in insurable employment, during the relevant period, in accordance with the Social Welfare Acts.

It should be noted that any payment made from the Social Insurance Fund is subject to maximum earnings of €600.00 per week.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

