

## EMPLOYMENT APPEALS TRIBUNAL

CLAIM OF:  
EMPLOYEE

CASE NO.  
UD448/2011, RP592/2011  
MN460/2011, WT158/2011

against

EMPLOYER

under

**UNFAIR DISMISSALS ACTS, 1977 TO 2007**  
**REDUNDANCY PAYMENTS ACTS, 1967 TO 2007**  
**MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2005**  
**ORGANISATION OF WORKING TIME ACT, 1997**

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Mr E. Murray

Members: Mr D. Hegarty  
Mr D. McEvoy

heard this claim at Cork on 25th July 2012

### **Representation:**

Claimant : Vincent Toher & Co, Solicitors, Legal Chambers, 2 Washington Street West, Cork

Respondent : No representation listed

The Tribunal is satisfied that the respondent was properly notified of this hearing.  
Neither the respondent nor a representative on its behalf appeared for this hearing.

The determination of the Tribunal was as follows:

### **Determination**

Having heard brief evidence from the claimant the Tribunal finds that her employment with the respondent was terminated by way of redundancy. Accordingly her appeal under the Redundancy Payments Acts, 1967 to 2007 is allowed and the appellant is awarded a statutory redundancy payment under those Acts, and based on the following:

Date of Birth: 16 February 1962  
Date of Commencement : 05 October 2008  
Date of Termination: 19 November 2010  
Gross Weekly Wage: €413.25

This award is made subject to the appellant having been in insurable employment under the relevant Social Welfare Acts 2005 during the above period.

The appeal under the Minimum Notice and Terms of Employment Acts, 1973 to 2005 succeeds and the appellant is awarded €826.50 as compensation under those Acts, being the equivalent of two weeks' pay in lieu of notice.

The Tribunal also allows the appeal under the Organisation of working Time Act, 1997 and awards the appellant €2231.55 as compensation for outstanding leave.

The claim under the Unfair Dismissals Acts, 1977 to 2007 must fall as the appellant's employment ended with the respondent by way of redundancy, which by its nature and according to statute is a fair dismissal.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

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

