

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF
EMPLOYEE - claimant

CASE NO.
RP1232/2009
MN1090/2009

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: Mr J Flanagan BL

Members: Mr M Murphy
Mr J Moore

heard this appeal in Navan on 18th February 2010

Representation:

Appellant :

Ms Claire Lehane, Michael O'Byrne, Solicitors,
Kenlis Place, Kells, Co. Meath

Respondent :

No attendance or representation

The decision of the Tribunal was as follows: -

The appellant's representative informed the Tribunal that the claim lodged under the Minimum Notice and Terms of Employment Acts, 1973 to 2005, had been withdrawn. A copy of an RP50 form was provided to the Tribunal signed by the respondent in which it was stated that the appellant had been employed by the respondent in the construction sector as a carpenter/general operative with a gross weekly wage of €772.00 and had been made redundant for reason of lack of work. According to the Form RP50 the employment of the appellant had

commenced on 6th April 1990 and had terminated on 23rd January 2009. There were three breaks in service set forth in the form, the first was described as being for reason of ordinary illness, the second was for reason of occupational illness and the third was described as being for a “career break” and lasted a little over four months. The appellant’s representative advised the Tribunal that the third break in service was for the purpose of the appellant attending at a course on block release as part of the appellant’s adult apprenticeship as a carpenter. The Tribunal finds that what was described in the Form RP50 as the third break in service was not a break in service but part of the appellant’s employment as an apprentice carpenter. The Tribunal has determined to disregard all three breaks in service and deems the employment to be continuous.

The appellant did not contend that any of these details were incorrect. No oral evidence was offered by or on behalf of the respondent at the hearing.

Determination:

The Tribunal notes that the appellant’s claim under the Minimum Notice and Terms of Employment Acts, 1973 to 2005, was withdrawn.

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

Date of birth:	19 th March 1969
Date of commencement:	6 th April 1990
Date of termination:	23 rd January 2009
Gross weekly pay:	€772.00

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

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)