

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:
EMPLOYEE

- appellant

CASE NO.
MN453/2009
RP707/2010
WT216/2010

against
EMPLOYER

- respondent

under

**MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2005
ORGANISATION OF WORKING TIME ACT, 1997
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 was laid off on June 19th 2009. Shortly afterwards the High Court appointed an Examiner to the company but the process did not result in an agreed state of Arrangement. On January 22nd 2010 the High Court made an order to wind up the company.

The date of dismissal is deemed to be the date of the winding up of the company.

Based on the evidence of the appellant, 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: 01 March 1953
Date of Commencement: 01 November 2007
Date of Termination: 22 January 2010
Gross Pay: € 1, 643.23
Non-Reckonable Service: 19 June 2009 to 22 January 2010

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.

The Tribunal also award the appellant € 3,286.46 being the equivalent of two weeks pay under the Minimum Notice and Terms of Employment Acts 1973 to 2005. The appeal under the Organisation of Working Time Act, 1997 was dismissed.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)