

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:

CASE NO.

EMPLOYEE

RP2931/2009

against
EMPLOYER

under

REDUNDANCY PAYMENTS ACTS, 1967 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms. K. T. O'Mahony B.L

Members: Mr J. Killian
Mr J. Flavin

heard this appeal at Cork on 30th July 2010

Representation:

Appellant:

Mr John O'Connor, Lane O'Connor Limited, Chartered Accountants,
Unit 6, Crann Ard, Fethard Road, Clonmel, Co Tipperary

Respondent:

No appearance by or on behalf of the respondent.

The decision of the Tribunal was as follows:-

There was no appearance by or on behalf of the respondent. The Tribunal is satisfied that the respondent was properly notified of the hearing.

The Appellant stated that he commenced employment with the respondent on 10th February 1999 and last worked for him on 21st May 2009. The business closed and the appellant was told that the respondent was hoping to re open but this did not happen. The claimant has not been paid a redundancy lump sum. The appellant's gross pay at the time his employment ceased was €913.00 per week.

The respondent is a small business. The owner is in ill health and ceased trading. A letter was handed to the Tribunal from the respondent's accountant stating his inability to pay. The accountant for the appellant accepted that the respondent was seriously ill.

Determination

Having considered the uncontested evidence of the appellant the Tribunal awards the claimant a lump sum redundancy payment under the Redundancy Payments Acts, 1967 to 2007 based on the following criteria.

DOB	2 nd July 1976
Commencement Date	10 th February 1999
Date notice received	N/A
Termination date	21 st May 2009
Gross pay	€913.00

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 a maximum of €600.00 per week.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

