

## EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) HAVE:

CASE NO.

EMPLOYEE

*appellant*

MN62/2010

WT39/2010

RP100/2010

against

EMPLOYER

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 J. Revington S.C.

Members: Mr. M. Flood  
Mr. S. O'Donnell

heard this appeal at Dublin on 1st September 2010

Representation:

Appellant(s): The appellant in person

Respondent(s): The respondent in person

The decision of the Tribunal was as follows:-

#### **Determination**

The appellant told the Tribunal that she commenced employment as a solicitor with the respondent in March 2007. She commenced maternity leave on 3 October 2008 and returned to work on 5 October 2009. Her employer told her on 8 October 2009 that she was going to be made redundant. Her employment ceased on 23 October 2009. She was paid two weeks notice, she received the holiday pay that was due to her but she did not receive pay in respect of the October bank holiday. She was given an RP50 form on 23 October 2009 but she did not receive her redundancy payment.

The respondent told the Tribunal that he was not contesting the redundancy appeal and that he did not have the money to pay the appellant her redundancy entitlement. He would have paid the appellant one days public holiday entitlement had he been aware that the appellant was entitled to

it.

The Tribunal allows the appeal under the Redundancy Payments Acts, 1967 to 2007 based on the following criteria:

Date of birth:	11 November 1976
Date employment started	05 March 2007
Date employment ceased	23 October 2009
Gross weekly pay	€903.85

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

Please note that there is a weekly ceiling of €600.00 on all awards made from the Social Insurance Fund.

As the appellant's employment ceased during the week ending on the day before a public holiday she is entitled to one days pay in respect of the public holiday in the amount of €180.77 under the Organisation of Working Time Act, 1997.

As the appellant received her minimum notice payment that was due to her she is not entitled to compensation under the Minimum Notice and Terms of Employment Acts, 1973 to 2005.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

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

