

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:
EMPLOYEE – *appellant*

CASE NO.
RP56/2010
MN36/2010

against

EMPLOYER (In Liquidation) – *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: Ms M McAveety

Members: Mr M Murphy
Mr O Nulty

heard this appeal at Mullingar on 16th July 2010

Representation:

Appellant(s): In person

Respondent(s): No appearance or representation

The decision of the Tribunal was as follows:

The respondent company is in liquidation. There was no appearance by the Liquidator. The Tribunal is satisfied that the Liquidator was on notice of the hearing.

The appellant gave evidence that although the company is registered in the UK he worked in this State for the entirety of his employment. On November 4th 2009 he was informed by phone call that his employment was being terminated with immediate effect as the company, a subcontractor, was no longer being paid by the company they had a contract with, and therefore they could no longer afford to pay him. He was told that there was no more work. He was not paid for his last week of work. The company then went into liquidation. He sought his redundancy payment but did not receive it.

He worked continuously from the end of August 1998 until his dismissal. He contended that he received £700.00 gross basic pay per week, however his P45 showed an average of €541.68.

Determination:

The Tribunal finds that a redundancy situation existed and that the appellant is entitled to a redundancy lump sum payment under the Redundancy Payments Acts, 1967 to 2007, based on the following information:

Date of Birth:	1 st April 1961
Date of Commencement:	31 st August 1998
Date of Termination:	4 th November 2009
Weekly Gross Pay:	€541.68

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

The Tribunal awards the appellant €3,250.08 (three thousand two hundred and fifty euro, eight cent) in respect of six weeks' notice under the Minimum Notice and Terms of Employment Acts 1995 to 2005.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)