

**EMPLOYMENT APPEALS TRIBUNAL**

CLAIM(S) OF:  
EMPLOYEE

CASE NO.

WT246/2009

UD562/2009  
RP580/2009  
MN569/2009

against

EMPLOYER

under

**MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2005  
ORGANISATION OF WORKING TIME ACT, 1997  
REDUNDANCY PAYMENTS ACTS, 1967 TO 2007  
UNFAIR DISMISSALS ACTS, 1977 TO 2007**

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Ms. E. Kearney  
Members: Mr. A. O'Mara  
Mr F. Barry

heard this claim at Tralee on 10th February 2010

Representation:

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Claimant(s) :

Ms Fiona Lally, Patrick Mann & Company, Solicitors,  
24/25/26/27 Ashe Street, Tralee, Co Kerry

Respondent(s) :

The respondent in person.

The determination of the Tribunal was as follows:-

At the outset the claimant withdrew his claim under the Unfair Dismissals Acts, 1977 to 2007.

**Claimant's case**

The claimant stated that he had been informed on 9<sup>th</sup> Feb. 2009 that there was no more work for him after that day. He did not work nor was he paid in lieu of notice.

The claimant stated that he had requested a redundancy lump sum payment from the respondent but

to date had not received this.

The claimant stated that he was due one and one half of a day's pay that he had not received to date. He also stated that the respondents wife had told him he was not entitled to any holiday pay.

### **Respondent's case**

The respondent agreed that the claimant was entitled to a redundancy lump sum and payment in lieu of notice. However he pleaded inability, due to financial constraints, to pay either.

In respect of holiday pay the respondent stated that he had been told by, his now estranged, wife that she had paid, in cash, any holiday pay due to the claimant soon after he had been let go.

### **Determination**

Having adduced the evidence the Tribunal awards the claimant a redundancy lump sum under the Redundancy Payments Acts, 1967 to 2007 based on the following criteria.

DOB	25 <sup>th</sup> Feb. 1975
Commencement Date	15 <sup>th</sup> Jan. 2004
Dismissal Notice Received	9 <sup>th</sup> Feb. 2009
Termination date	10 <sup>th</sup> Feb. 2009
Non Reckonable Service	N/A
Gross pay	€390

This award is made subject to the claimant having been in insurable employment, during the relevant period, in accordance with the Social Welfare Acts.

The Tribunal also awards the claimant €780.00, being two weeks wages, under the Minimum Notice And Terms Of Employment Acts, 1973 to 2005

As the respondent could not offer any proof of having paid the claimant in lieu of holidays due to him the Tribunal awards the claimant €117.00 under the Organisation Of Working Time Act, 1997.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

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

