

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:
EMPLOYEE – appellant

CASE NO.
RP1885/2009

against

EMPLOYER – respondent

under

REDUNDANCY PAYMENTS ACTS, 1967 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr P Hurley

Members: Mr T L Gill
Mr T J Gill

heard this appeal at Loughrea on 2nd July 2010

Representation:

Appellant(s): In person

Respondent(s): No appearance or representation

The decision of the Tribunal was as follows:

There was no appearance by, or representation on behalf of, the respondent. The Tribunal is satisfied that the respondent was on notice of the hearing.

The appellant gave evidence that his employment with the respondent commenced on August 12th 2005. The appellant worked in three of the establishments owned by the respondent. He took holidays every Christmas to go home to Poland for four weeks. When the appellant returned in January 2006 the head chef told him that the hotel and restaurant were closed. The respondent's wife gave the appellant maintenance work around the hotel for 10-15 hours per week. The restaurant re-opened in May or June 2006 and the appellant recommenced working in the restaurant.

The appellant took his usual holidays in December and returned in January 2007. In March 2007 he moved to another hotel owned by the respondent. The appellant understood that his employment was continuous. He worked at that hotel until he was moved to a pub owned by the respondent in October 2007. When he returned from Poland in January 2008 he was moved back to the second

hotel. He worked there for the rest of the year. On December 19th he was given his P45, which stated that he had worked for 1½ years. He asked about the time spent working in the first hotel. The respondent told him that he wasn't entitled to anything. The restaurant closed after that and he wasn't sure if it had re-opened.

Determination:

Based on the uncontested evidence of the appellant the Tribunal finds that a redundancy situation existed and that the appellant had unbroken service in excess of 104 weeks and he was therefore entitled to bring a claim under the Acts. Accordingly, the Tribunal finds 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:	3 rd September 1972
Date of Commencement:	12 th August 2005
Date of Termination:	19 th December 2008
Weekly Gross Pay:	€350.00

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

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)