

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:

EMPLOYEE

against

EMPLOYER

under

CASE NO.

RP2433/2009

WT905/2009

REDUNDANCY PAYMENTS ACTS, 1967 TO 2007 ORGANISATION OF WORKING TIME ACT, 1997

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr J Fahy BL

Members: Mr W O'Carroll
Ms H Murphy

heard this appeal at Loughrea on 27th August 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 she worked 20.5 hours per week as an accountant for the respondent company. She took maternity leave from July 18th 2008 until the end of January 2009. Her employment was terminated on February 19th 2009. During her maternity leave she did not receive her holiday entitlement or payment in respect of five bank holidays. She wrote to the company requesting her outstanding holiday pay and a redundancy payment.

A company representative indicated to her that the company was to be put into liquidation and that she would be invited to the creditors' meeting, however the company has not been put into liquidation and she has received no further correspondence.

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:	20 th October 1971
Date of Commencement:	12 th June 2006
Date of Termination:	19 th February 2009
Weekly Gross Pay:	€344.40

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 €1,293.60 (one thousand two hundred and ninety-three euro, sixty cent) under the Organisation of Working Time Act.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)