

## EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:  
EMPLOYEE – *appellant*

CASE NO.  
RP120/2010  
MN79/2010

against

EMPLOYER – *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: Mr J Flanagan BL

Members: Mr P Pierce  
Mr G Whyte

heard this appeal at Dublin on 20<sup>th</sup> September 2010

#### **Representation:**

Appellant: Mr John Murphy, Assistant Branch Organiser,  
Construction Branch, SIPTU, Liberty Hall, Dublin 1

Respondent: No appearance or representation

The decision of the Tribunal was as follows:

#### **Determination:**

There was no appearance by or on behalf of the respondent company. The Tribunal is satisfied that the respondent company was on notice of the hearing. The representative for the appellant indicated that he had been in contact with the respondent and that he understood that the respondent did not intend to appear before the Tribunal.

The appellant gave evidence that he had been placed on lay-off on 13<sup>th</sup> June 2008. The appellant submitted part B of Form RP9 to his employer on 16<sup>th</sup> November 2009 but the appellant received no response.

The Tribunal finds that the claim under the Minimum Notice and Terms of Employment Acts, 1973 to 2005, fails as the employment was brought to an end by the employee serving an RP9 form and therefore the claimant is not entitled to statutory minimum notice.

Having heard the uncontroverted evidence of the appellant the Tribunal is satisfied that

employment ended by way of redundancy and the Tribunal therefore awards a redundancy lump sum payment under the Redundancy Payments Acts, 1967 to 2007, to be calculated on the basis of the following information:

Date of Birth:	17 <sup>th</sup> October 1960
Date of Commencement:	18 <sup>th</sup> January 2006
Last Day Worked:	13 <sup>th</sup> June 2008
Date of Termination:	23 <sup>rd</sup> November 2009
Gross Weekly Pay:	€878.77

This award is made subject to the appellant having been in insurable employment in accordance with the Social Welfare Acts during the relevant period. It should be noted that statutory redundancy is calculated on the basis of gross weekly remuneration subject to a maximum of €600.00 per week.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

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