

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:
EMPLOYEE - appellant

CASE NO.
RP1649/2009
MN1453/2009
WT626/2009

against

EMPLOYER - respondent

under

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

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms. S. McNally

Members: Mr. P. Casey
Mr. O. Wills

heard this case in Clonakilty on 31 May 2010

Representation:

Appellant(s):

Mr. Paul O'Sullivan, Kevin O'Donovan & Partners, Solicitors,
The Old Market House, Upper Main Street, Bantry, Co. Cork

Respondent(s):

No attendance or representation

The decision of the Tribunal was as follows:-

The deceased employee worked for the respondent company (which was now no longer trading) from 30 July 2000 to 10 February 2007. In addition to a redundancy award, the employee's legal representative sought a minimum notice payment and compensation for one week's outstanding holidays based on a basic weekly pay of €407.97.

No evidence was offered by or on behalf of the respondent.

Determination:

Under the Redundancy Payments Acts, 1967 to 2007, the Tribunal awards the employee's personal representative a redundancy lump sum based on the following employee details:

Date of birth: 18 July 1961
Date of commencement: 30 July 2000
Date of termination: 10 February 2007
Gross weekly pay: €407.97

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

Allowing the claim under the Minimum Notice and Terms of Employment Acts, 1973 to 2005, the Tribunal awards the employee's personal representative the sum of €1631.88 (this amount being equivalent to four weeks' gross pay at €407.97 per week).

Allowing the claim under the Organisation of Working Time Act, 1997, the Tribunal awards the employee's personal representative the sum of €407.97 (this amount being equivalent to one week's gross pay) in respect of holidays outstanding to him when his employment ended.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)