

## EMPLOYMENT APPEALS TRIBUNAL

CLAIM(S) OF:  
EMPLOYEE

CASE NO.  
RP988/2009  
UD881/2009  
MN909/2009

- *claimant*

against  
EMPLOYER

- *respondent*

under

### MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2005 REDUNDANCY PAYMENTS ACTS, 1967 TO 2007 UNFAIR DISMISSALS ACTS, 1977 TO 2007

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Ms. K. T. O'Mahony B.L.

Members: Mr. W. O'Carroll  
Mr A. Butler

heard this claim at Ennis on 25th February 2010  
and 29th October 2010

#### **Representation:**

Claimant(s) : In Person with the assistance of a Polish Interpreter

Respondent(s) : In Person

The determination of the Tribunal was as follows:-

#### **Background:**

The claimant was employed with the respondent from 21<sup>st</sup> October 2005. On 24<sup>th</sup> February 2009 the appellant asked the respondent for all monies owing to him because he was returning to Poland for about a month two days later for specified family reasons. On 25<sup>th</sup> February the respondent gave him his papers and told him not to return to Ireland as he had no more work for him. He flew to Poland on 26<sup>th</sup> February 2009 and returned on 21<sup>st</sup> March 2009. The respondent had no work to offer him.

#### **Determination:**

Tribunal is satisfied that a redundancy situation existed in the respondent's business.. The Tribunal awards the appellant a redundancy lump sum under the Redundancy Payments Acts, 1967 to 2007 based on the following criteria:

Date of Birth: 24 September 1965  
Date of Commencement: 25 October 2005  
Date of Termination: 25 February 2009  
Gross Pay: € 500.00

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

As the claimant was unavailable for work during his notice period the claim under the Minimum Notice and Terms of Employment Acts, 1973 to 2005 fails.

As the dismissal was by reason of redundancy the claim under the Unfair Dismissals Acts, 1977 to 2007 is dismissed.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

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