

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:

CASE NO.

EMPLOYEE

appellant

WT1110/2009

RP3094/2009

against

EMPLOYER

respondent

under

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

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr C. Corcoran B.L.

Members: Mr. J. Reid
Mr P. Trehy

heard this appeal at Dublin on 3rd September 2010

Representation:

Appellant(s): Ms. Barbara Mebtouche, Triana, Independent Advice &
Information Bureau, 13 Store Street, Dublin 1

Respondent(s): No attendance or appearance by or on behalf of the respondent

The decision of the Tribunal was as follows:-

The claim under the Organisation of Working Time Act, 1997 was withdrawn during the hearing.

Appellant's Case

The appellant told the Tribunal that he commenced employment with the respondent on 30 January 2006. On 24 April 2009 he was informed that there was a slowdown in business. The appellant was offered a position in Dubai and he thought that he was still employed with the respondent. The appellant worked for two weeks in Dubai in July 2009. He was informed that he would be contacted regarding work in August 2009 but he did not hear anything further. He returned home and he received his P45 dated 24 April 2009.

Determination

On the evidence adduced at the hearing and where it was not contested in the absence of the other side the Tribunal allows the appeal under the Redundancy Payments Acts, 1967 to 2007 based on the following criteria:

Date of birth	05 May 1984
Date employment commenced	30 January 2006
Date employment ceased	24 April 2009
Gross weekly pay	€900.00

Please note that there is a weekly ceiling of €600.00 on all awards made from the Social Insurance Fund.

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

As the Organisation of Working Time Act, 1997 was withdrawn during the hearing no award is being made under this Act.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

