

EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:

CASE NO.

EMPLOYEE

RP2304/2009

- appellant

Against

EMPLOYER

- respondent

under

REDUNDANCY PAYMENTS ACTS, 1967 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms P. McGrath BL

Members: Mr C. McHugh
Mr A. Butler

heard this appeal at Wicklow on 21st October 2010.

Representation:

Appellant: In person.

Respondent: Mr. Anthony Hanrahan BL, instructed by Marcus Thomas Quinn, T. R. Brennan & Co., Solicitors, Athy, Co. Kildare

The decision of the Tribunal was as follows:-

Determination:

The Tribunal has considered the evidence adduced before it. The appellant was variously advised by his employer that the work was “drying up”, “that there was no more work”, that he was being “laid off” and being “let go”. The Tribunal understands that by the middle of 2008 the construction industry was in difficulty.

The appellant was laid off at the end of October 2008. The Tribunal cannot be sure that the appellant was being “laid off” as against being “let go”. There is no written evidence or note of what was intended, as the respondent’s witness had no real handle on the differences and nuances of the language.

Looking at the situation objectively, however, the Tribunal is satisfied that the appellant was told

there was no more work. He was paid his holiday pay and given a P45. In effect, he was therefore made redundant.

The Tribunal finds the appellant is entitled to a redundancy lump sum based on the following criteria:

Date of Birth:	01 November 1980
Date of Commencement:	31 st January 2005
Date of Termination:	31 st October 2008
Gross Weekly Wage:	€700.00

It should be noted that a ceiling of €600.00 currently applies to payments from the Social Insurance Fund.

This award is made subject to the appellant fulfilling current social welfare requirements in relation to PRSI contributions.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)