

EMPLOYMENT APPEALS TRIBUNAL

APPEALS OF:
EMPLOYEE *-appellant 1*

CASE NO.
RP508/2010
MN296/2010
WT143/2010

EMPLOYEE *-appellant 2*

RP509/2010
MN297/2010
WT144/2010

Against

EMPLOYER *-respondent*
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: Mr K. Buckley

Members: Mr D. Hegarty
Mr J. Flavin

heard this appeal at Cork on 10th September 2010

Representation:

Appellants: Mr Jan Jaroslaw Potocki, Polish English Translation, "Pilawa", Office 19,
21-23 Oliver Plunkett Street, Cork

Respondent: No appearance or representation

The claim under the Organisation of Working Time Act 1997 was withdrawn at the outset.

Appellant's Case

The first appellant commenced employment as a paver on the 12th of July 2006. The appellant was on sick leave when he received notice that his employment was being terminated. Due to an accident at work the appellant was on sick leave from the 6th of July for 7 weeks. The appellant signed a letter of resignation at the respondent's request on the condition that he received the final 10 weeks wages the respondent had failed to pay him.

The second appellant commenced employment with the respondent as a paver on the 11th of January 2006 until he was made redundant without notice on the 7th of September 2009.

Determination

The Tribunal finds that the appeals under the Redundancy Payments Acts 1967 to 2007 succeed and awards the appellants a redundancy lump sum based on the following criteria:

Appellant 1

Date of birth:	18 th December 1975
Date of commencement:	12 th July 2006
Date of termination:	7 th September 2009
Gross weekly wage:	€650.00

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

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

The Tribunal awards the appellant €1300.00, being two weeks' pay, under the Minimum Notice and Terms of Employment Acts, 1973 to 2005.

Appellant 2

Date of birth:	16 th March 1974
Date of commencement:	11 th January 2006
Date of termination:	7 th September 2009
Gross weekly wage:	€624.00

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

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

The Tribunal awards the appellant €1248.00, being two weeks' pay, under the Minimum Notice and Terms of Employment Acts, 1973 to 2005.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)