

## **EMPLOYMENT APPEALS TRIBUNAL**

APPEALS OF:

CASE NO.

EMPLOYEE

RP211/2010

WT83/2010

MN149/2010

against

EMPLOYER

under

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

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Mr. D. MacCarthy S C

Members: Mr. J. Hennessy

Ms. S. Kelly

heard this appeal at Wexford on 14th September 2010

Representation:

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Appellant:

The appellant in person

Respondent:

No appearance by or on behalf of the respondent

The decision of the Tribunal was as follows:-

There was no appearance by or on behalf of the respondent and the Tribunal was satisfied that they had been properly notified of the hearing.

The appellant stated that he commenced employment with the respondent on 5<sup>th</sup> September 2003 and was let go without notice when the business closed down on 29<sup>th</sup> October 2008. At the time of termination of employment the appellant was being paid €267.30 gross per week. The appellant did not receive any payment from the respondent in respect of a lump sum redundancy payment. Furthermore the appellant stated that she had only received 3 days leave in 2008 and was not paid in lieu of the balance of her annual leave entitlement.

### **Determination**

Having considered the uncontested evidence of the appellant the Tribunal awards her €727.06 under the Organisation Of Working Time Act, 1997 and €801.90 under the Minimum Notice And Terms Of Employment Acts, 1973 to 2005 and a lump sum redundancy payment under the Redundancy Payments Acts, 1967 to 2007 based on the following criteria.

DOB	18 <sup>th</sup> July 1959
Commencement Date	5 <sup>th</sup> September 2003
Date notice received	29 <sup>th</sup> October 2008
Termination date	29 <sup>th</sup> October 2008
Gross pay	€267.30 per week

This award is made subject to the claimant having been in insurable employment, during the relevant period, in accordance with the Social Welfare Acts.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

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

