

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:

CASE NO.

EMPLOYEE
MN1792/2009

RP2145/2009

against
EMPLOYER

under

**MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2005
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:

Appellant:

The appellant in person

Respondent:

The respondent in person

The decision of the Tribunal was as follows:-

The respondent agreed that the appellant had been made redundant but pleaded inability to pay a redundancy lump sum due to financial constraints.

Both parties agreed that the appellant commenced employment on 24th October 2005 and ceased employment on 30th January 2009. However they could not agree upon the gross pay of the appellant and therefore the Tribunal had to decide upon this issue.

The respondent stated, that as the appellant was aware of the impending redundancy, this constituted notice. However he conceded that no specific date of termination of employment had been communicated to the appellant.

Determination

On the balance of probability the Tribunal accepts that the appellant earned €500.00 gross per week.

The Tribunal finds that the appellant did not receive clear and specific notice and awards him €1,000.00 under the Minimum Notice And Terms Of Employment Acts, 1973 to 2005.

The Tribunal also awards the appellant a lump sum redundancy payment under the Redundancy Payments Acts, 1967 to 2007 based on the following criteria.

DOB	29 th December 1980
Commencement Date	24 th October 2005
Date notice received	N/A
Termination date	30 th January 2009
Gross pay	€500.00 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)

