

EMPLOYMENT APPEALS TRIBUNAL

CLAIM(S) OF:
EMPLOYEE - appellant

CASE NO.
UD2303/2009
RP2465/2010

against

EMPLOYER - respondent

under

**UNFAIR DISMISSALS ACTS, 1977 TO 2007
REDUNDANCY PAYMENTS ACTS, 1967 TO 2007**

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr. L. Ó Catháin

Members: Ms. M. Sweeney
Mr. O. Wills

heard this case in Cork on 14 October 2010

Representation:

Appellant(s):

Mr. Eamon Shanahan BL instructed by
Harry McCullagh & Co, Solicitors,
Rathmore House, Rathmore Lawn,
South Douglas Road, Cork

Respondent(s):

Mr. Daniel Wall, Daniel N. Wall & Co., Solicitors,
45 Main Street, Midleton, Co. Cork.

The determination of the Tribunal was as follows:-

Rather than the prosecution of an unfair dismissal claim it was claimed on behalf of the appellant that his employment, which commenced on 1 April 1987, ended by reason of redundancy on 11 April 2009. His gross weekly pay was €752.81.

No evidence was offered by the respondent to contest the appellant's entitlement to redundancy. The number of the respondent's employees had been greatly reduced.

Determination:

The claim lodged under the Unfair Dismissals Acts, 1977 to 2007, falls for want of prosecution because awards for unfair dismissal and redundancy are mutually exclusive.

Under the Redundancy Payments Acts, 1967 to 2007, the Tribunal finds that the appellant is entitled to a redundancy lump sum based on the following details:

Date of birth:	27 October 1950
Date of commencement:	01 April 1987
Date of termination:	11 April 2009
Gross weekly pay:	€752.81

It should be noted that payments from the Social Insurance Fund are limited to a maximum of €600.00 per week.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)