

## EMPLOYMENT APPEALS TRIBUNAL

APPEALS OF:

CASE NO.

EMPLOYEE

RP507/2010  
MN294/2010

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: Ms. F. Crawford B.L.  
Members: Mr. F. Cunneen  
Mr. S. O'Donnell

heard this appeal at Dublin on 10th September 2010

Representation:

Appellant: Brendan O'Sullivan, BATU, Arus Hibernia, 13 Blessington Street, Dublin 7.

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. The liquidator notified the Tribunal prior to the hearing that they would not be attending.

At the outset the appellant withdrew his appeal under the Redundancy Payments Acts, 1967 to 2007. The appellant stated that he had received a redundancy lump sum payment. However he wished to proceed with his claim for minimum notice.

#### **Appellant's case**

A form T2 had been lodged with the Tribunal, which stated that the appellant was on temporary lay-off prior to being made redundant at his own request. However the appellant stated that he was on temporary lay-off from 21<sup>st</sup> August 2009 and resumed work on 21<sup>st</sup> September 2009. On 5<sup>th</sup> October 2009, Having attended a hearing at the Labour Relations Commission on the same day, he was told that there was no more work and he was not given any notice or payment in lieu thereof.

**Determination**

Having considered the uncontested evidence of the appellant the Tribunal are satisfied that he was made redundant without due notice and awards the appellant €3,199.20, being for weeks pay, under the Minimum Notice And Terms Of Employment Acts, 1973 to 2005.

It should be noted that any payment made from the Social Insurance Fund is calculated on the basis of maximum earnings of €600.00 per week.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

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

