

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:

CASE NO.

EMPLOYEE

-Appellant

RP2715/2009

MN2196/2009

against

EMPLOYER

-Respondent

under

**REDUNDANCY PAYMENTS ACTS, 1967 TO 2007
MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2005**

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr N. Russell

Members: Mr J. Hennessy
Mr T. Kelly

heard this appeal at Kilkenny on 11th October 2010

Representation:

Appellant: In Person

Respondent: Catriona Carey & Co. Demesne, Gowran, Co Kilkenny

The decision of the Tribunal was as follows:

Appellant's Case:

The appellant outlined that he had completed his apprenticeship during 2009. It was the appellant's case that he had not been paid for a number of weeks by the time he was taking holidays on 31st August 2009. He asked the respondent to pay him the sum of money owing to him. The respondent paid the appellant half of the sum owed and reassured him that the other half would be lodged to his bank account while he was on holidays. The appellant did not receive the other half of the sum owed and he contacted the respondent on 10th September 2009, on which date the respondent terminated his employment by reason of redundancy. The appellant did not receive a P45 from the respondent. The appellant accepted in cross-examination that he had left the respondent's employment from June to September 2006 but he stated that the absence was with the authorisation and consent of the respondent.

Respondent's Case:

The respondent's accountant submitted a copy of a P45 document to the Tribunal, which detailed the appellant's date of termination as the 14th March 2008. The respondent gave evidence that this document was provided to the appellant when his employment was terminated on 14th March 2008 and he did not work for the respondent after that date. The respondent was aware that the appellant had to complete the final phase of his apprenticeship and he signed the relevant forms for the appellant in this regard, although the appellant was no longer in his employment. The respondent accepted in cross-examination that he had paid for the appellant to attend a safe pass course during May 2009.

Determination:

There was a conflict of evidence between the parties regarding the date of termination of the appellant's employment. The Tribunal is satisfied from the evidence adduced that the appellant continued to be employed by the respondent until 10th September 2009, on which date a redundancy situation arose.

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

Date of Birth:	16 th May 1987
Date of Commencement:	27 th March 2004
Date of Termination:	10 th September 2009
Gross Weekly Pay:	€500.00

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

The Tribunal is satisfied that the appellant is entitled to the sum of €2,000.00 (being the equivalent of four weeks' gross 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)