

EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:

CASE NO.

EMPLOYEE – *appellant*

RP372/2010

against

EMPLOYER – *respondent*

under

REDUNDANCY PAYMENTS ACTS, 1967 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr. D. MacCarthy S C

Members: Mr. E. Handley
Mr. N. Dowling

heard this appeal at Dublin on 16 September 2010

Representation:

Appellant: Mr. John Murphy, SIPTU, Construction Branch,
Liberty Hall, Dublin 1

Respondent: Ms. Muireann McEnery of Peninsula Business Services (Ireland) Limited,
Unit 3, Ground Floor Block S, East Point Business Park, Dublin 3

The determination of the Tribunal was as follows:

Determination

The appellant was put on lay off with effect from 29 June 2009 because of a down turn in business. The appellant wrote to the respondent on 18 September 2009 requesting work or a redundancy payment. The respondent acknowledged the letter but did not respond to the issue raised. The respondent had work suitable for the appellant in Shannon in June 2009 but the appellant did not accept it. However the respondent accepted that it was not in a position to offer the appellant 13 weeks continuous work in September 2009.

The Tribunal finds that the appellant's letter of 18 September 2009 complies with Section 12 of the 1967 Act, and the respondent did not reply with an offer of work. Accordingly the Tribunal awards the appellant a redundancy lump sum based on the following information:

Date of birth: 19 April 1968
Date of commencement; 24 January 2005
Date of termination: 18 September 2009
Gross weekly pay: €1000.00
The total sum awarded is €3,549.60.

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

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)