

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:
EMPLOYEE– *appellant*

CASE NO.
RP2734/2009

against
EMPLOYER– *respondent*

under

REDUNDANCY PAYMENTS ACTS, 1967 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr J Lucey

Members: Mr W O'Carroll
Mr T Kelly

heard this appeal at Limerick on 3rd December 2010

Representation:

Appellant(s): Mr Daniel C Miller
T E E U, Assistant General Secretary, 15 Anne Street, Limerick

Respondent(s): In person

The decision of the Tribunal was as follows:

Appellant's Case:

The appellant gave evidence that he commenced his employment with the respondent company as an apprentice electrician on June 23rd 2003. The apprenticeship was registered in August or September 2003. In September 2007, after he qualified, he was told that there was no work available for him. Shortly after this he was contacted by the Contracts Manager who told him that he could work off the books for a while. The claimant continued to work on this basis. He attended a safety training course for the company during this period. On November 5th or 6th 2007 his employment was formalised again. He worked until December 20th 2008 when his employment was terminated due to a lack of work.

Respondent's Case:

A Director of the respondent company gave evidence that the appellant's first period of employment ceased on September 28th 2007. The appellant was issued with a P45 and a reference. He refuted the appellant's contention that he had worked off the books. He had no knowledge of it. The company did not have the resources to pay staff off the books. He accepted the appellant's course certificate from the course he contended that he attended in October 2007, but he had not seen the certificate before. The appellant was re-hired from November 6th 2007 until December 19th 2008 and accordingly he did not have the requisite service to claim a statutory redundancy payment.

Determination:

Having heard all the evidence the Tribunal is satisfied that the appellant worked for reward during the period September 28th 2007 to November 6th 2007. Accordingly, the Tribunal finds that the appellant is entitled to a redundancy lump sum payment under the Redundancy Payments Acts, 1967 to 2007, based on the following information:

Date of Birth:	30 th September 1984
Date of Commencement:	23 rd June 2003
Date of Termination:	20 th December 2008
Weekly Gross Pay:	€808.00

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 a statutory weekly ceiling of €600.00 applies to payments from the Social Insurance Fund.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)