

## EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:  
EMPLOYEE – *appellant*

CASE NO.  
RP2648/2009  
WT982/2009

against

EMPLOYER – *respondent*

under

### **REDUNDANCY PAYMENTS ACTS, 1967 TO 2007 ORGANISATION OF WORKING TIME ACT, 1997**

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:

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Appellant(s): Mr Gerard Tobin  
Limerick Citizens Information Centre, 54 Catherine Street, Limerick

Respondent(s): No appearance or representation

The decision of the Tribunal was as follows:

There was no appearance by or representation on behalf of the respondent company. The Tribunal is satisfied that the respondent company was on notice of the hearing.

The appellant gave evidence that his employment with the respondent company, as a labourer, commenced on March 6<sup>th</sup> 2006. When he went on holidays on December 28<sup>th</sup> 2007 his employer gave him a P45. When he returned in January 2008 his employer told him to go to the Social Welfare office, as there was no work for him. He was re-employed two or three weeks later on January 28<sup>th</sup> 2008. He was again given a P45 when he went on holidays from September 19<sup>th</sup> 2008 until October 13<sup>th</sup> 2008 and May 15<sup>th</sup> 2009 until June 22<sup>nd</sup> 2009. His employment was terminated on July 30<sup>th</sup> 2009 due to lack of work.

**Determination:**

Based on the uncontested evidence of the appellant the Tribunal finds that a redundancy situation existed and 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:	20 <sup>th</sup> May 1973
Date of Commencement:	6 <sup>th</sup> March 2006
Date of Termination:	30 <sup>th</sup> July 2009
Weekly Gross Pay:	€400.00

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

The Tribunal heard that the claim under the Organisation Of Working Time Act, 1997, was previously dealt with by a Rights Commissioner and accordingly the Tribunal dismisses the claim under this Act.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

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