

EMPLOYMENT APPEALS TRIBUNAL

CLAIM(S) OF:
EMPLOYEE
-claimant

CASE NO.
UD2275/2009
RP2592/2009
MN2113/2009
WT966/2009

Against

EMPLOYER *-respondent*

under

UNFAIR DISMISSALS ACTS, 1977 TO 2007
REDUNDANCY PAYMENTS ACTS, 1967 TO 2007
MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2005
ORGANISATION OF WORKING TIME ACT, 1997

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms O. Madden B.L.

Members: Mr J. Horan
Mr J. Jordan

heard this claim at Dublin on 21st January 2011

Representation:

Claimant: In Person

Respondents: No appearance or representation on behalf of the respondents.

The determination of the Tribunal was as follows:

There was no appearance by the respondents. The Tribunal proceeded to hear the claims; being satisfied that the respondents were duly notified of the date, time and venue of the hearing.

The claimant withdrew her claim under the Unfair Dismissals Acts, 1977 to 2007 at the outset of the hearing.

It was the claimant's case that the premises in which she worked closed on 21st August 2009. The claimant was informed that her position would transfer to another premises but that both her salary and her position would remain unchanged. The claimant reported to the new premises but was only provided with part-time hours. The claimant was reassured that despite the reduction in hours her pay would remain unchanged but when she received her first payslip her gross pay was stated as

€104.00 instead of €520.00. The claimant was not actually paid either sum of money. The claimant raised the matter with her manager but was offered no other alternative.

The claimant also advanced a claim in respect of a minimum notice entitlement and an outstanding sum owing for holiday pay.

Determination:

In form T2 filed with the Tribunal, the respondents did not dispute that the claimant was owed a redundancy payment. Based on the claimant's uncontested evidence the Tribunal finds that suitable alternative employment was not offered to the claimant as set out under S. 15(2)(c) and finds that the claimant is entitled to a lump sum payment under the Redundancy Payments Acts, 1967 to 2007, based on the following criteria:

Date of Birth:	13 th December 1977
Date of Commencement:	16 th November 2004
Date of Termination:	3 rd September 2009
Gross Weekly Pay:	€520.00

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

The Tribunal finds that the claimant is entitled to the sum of €1,040.00 (being the equivalent of two weeks' gross pay) under the Minimum Notice and Terms of Employment Acts, 1973 to 2005

The Tribunal finds that the claimant is entitled to the sum of €1,456 (being the equivalent of fourteen days' gross pay) under the Organisation of Working Time Act, 1997.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)