

## EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:  
EMPLOYEE - appellant

CASE NO.  
RP934/2010  
MN639/2010  
WT291/2010

against

EMPLOYER - respondent

under

### **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: Mr. L. Ó Catháin

Members: Mr. P. Casey  
Ms. H. Kelleher

heard this appeal in Cork on 12 October 2010

Representation:

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Appellant(s):  
Mr. Pat McGrath, SIPTU, Cork No. 3 Branch,  
Connolly Hall, Lapps Quay, Cork

Respondent(s):  
No attendance or representation

The decision of the Tribunal was as follows:-

The appellant claimed that his employment, which commenced on 5 September 1996, ended without notice by reason of redundancy on 21 August. His claim form stated his net weekly pay to have been €600.00. Although €600.00 per week is the statutory ceiling for Social Insurance Fund redundancy payments the Tribunal sought a gross weekly pay figure given that there were also claims under the Minimum Notice and Terms of Employment Acts, 1973 to 2005, and under the Organisation of Working Time Act, 1997. A gross weekly pay of €800.00 was suggested to the Tribunal as being consistent with a net weekly pay of €600.00. The Tribunal was furnished with revenue documentation related to the appellant.

No evidence was offered by or on behalf of the respondent.

**Determination:**

On examination of the revenue documentation furnished, the Tribunal was not satisfied that it was proven that the appellant had earned a gross weekly pay greater than €275.00.

In respect of the claim lodged in respect of outstanding holiday entitlements, the Tribunal awards the claimant the sum of €646.96 (this amount being equivalent to 11.762821 days' holidays at €275.00 per week) under the Organisation of Working Time Act, 1997, in respect of holidays outstanding at the time of termination of his employment with the respondent.

Under the Redundancy Payments Acts, 1967 to 2007, the Tribunal finds that the appellant is entitled to a redundancy lump sum based on the following details:

Date of birth:	13 January 1953
Date of commencement:	05 September 1996
Date of termination:	21 August 2009
Gross weekly pay:	€275.00

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

Allowing the claim lodged under the Minimum Notice and Terms of Employment Acts, 1973 to 2005, the Tribunal awards the appellant the sum of €1,650.00 (this amount being equivalent to six weeks' gross pay at €275.00 per week).

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

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