

EMPLOYMENT APPEALS TRIBUNAL

CLAIM(S) OF: CASE NO.
EMPLOYEE UD2366/2010
appellant RP1061/2010
against
EMPLOYER
respondent
under

REDUNDANCY PAYMENTS ACTS, 1967 TO 2007 UNFAIR DISMISSALS ACTS, 1977 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr M. O'Connell B.L.

Members: Mr D. Moore
Mr T. Brady

heard this claim at Dublin on 14th January 2011

Representation:

Claimant(s): The claimant in person

Respondent(s): Ms. Catherine Day 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

A preliminary issue was raised regarding the time that the claim was lodged under the Unfair Dismissals Act. The claimant was of the opinion that the respondent was in financial difficulty and was about to close. For this reason the claimant decided and applied under the Unfair Dismissals Acts 1977 to 2007.

The Tribunal does not accept that this amounts to an exceptional situation. Accordingly the Tribunal refuses to extend the time within which an application can be made under Section 7(2)(b) of the Unfair Dismissals (Amendment) Act 1993.

In relation to the redundancy claim the claimant gave evidence that he worked for the

respondent from 7 August 2007 until the 24 December 2009. He did not have a break in service. He was made redundant because of a shortage of work in the respondent company. The respondent agreed that the claimant is entitled to a redundancy lump sum under the Redundancy Payments Acts, 1967 to 2007 based on the following criteria:

Date of birth	05 January 1962
Date employment began	07 August 2007
Date employment ceased	24 December 2009
Gross weekly pay	€424.00

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

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

