

EMPLOYMENT APPEALS TRIBUNAL

CLAIM(S) OF:

CASE NO.

EMPLOYEE

UD2307/2009
MN2141/2009

claimant

Against

EMPLOYER

EMPLOYER

EMPLOYER

respondent

under

MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2005 UNFAIR DISMISSALS ACTS, 1977 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr C. Corcoran B.L.

Members: Mr R. Murphy
Ms M. Maher

heard this claim at Dublin on 31st January 2011

Representation:

Claimant(s): The claimant in person

Respondent(s): No representation or attendance by or on behalf of the respondent

The determination of the Tribunal was as follows:-

Claimant's Case

The claimant told the Tribunal that he was employed with the respondent from 4 October 1999 until 1 May 2009. On 29 April 2009 he was in work and was on a three-day week at this time. He was summoned to a meeting and became aware that discussions had taken place in his absence. Employees were informed that production was to cease, the respondent was closing and employees were going to be made redundant. The respondent had no money left in its account and there was a decrease in demand for office furniture. He was told that the respondent was going to document the date of leaving four weeks prior to the date of cessation. Employees were told to complete paperwork so that they would receive their redundancy earlier. He knew that something was not

right.

He subsequently returned to his place of employment on a couple of occasions within a three month period and observed that employees who had commenced employment after him were undertaking the job that he did. He received a redundancy payment of €11,000.00.

Determination

Based on the evidence adduced and in the absence of any evidence to the contrary the Tribunal finds that the claimant was unfairly selected for redundancy. The Tribunal awards the claimant compensation of €45,000.00 under the Unfair Dismissals Acts, 1977 to 2007 and in deciding this award takes into account that the claimant received a redundancy lump sum.

The claimant's employment terminated without notice and he is therefore entitled to compensation of €2,200.00 which is equivalent to four weeks gross pay (€550.00 per week) under the Minimum Notice and Terms of Employment Acts 1973 to 2005.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

