

EMPLOYMENT APPEALS TRIBUNAL

APPEALS OF:
EMPLOYEE *-appellant*

CASE NO.
RP1601/2010

MN1135/2010

WT487/2010

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 P. O'Leary

Members: Mr T. O'Sullivan
Mr O. Nulty

heard this appeal at Cavan on 28th January 2011

Representation:

Appellant: Citizens Information Centre, Townhall Street, Cavan Town, Co. Cavan

Respondent: In person

Appellant's Case

The appellant commenced employment on the 8th of December 2003. On Friday the 29th of March 2009 the respondent foreman informed the appellant that there was no more work available. The respondent did not request the appellant to return to work at any stage after he was made redundant. The appellant claimed illness benefit for the following 2 and a half months.

Respondent's Case

The respondent did not instruct his foreman to inform the appellant that there was no more work available for him. The foreman informed the respondent the following week that the appellant did not show up for work. The respondent concedes that the appellant did not get his holiday entitlements for 2009.

Determination

The Tribunal find that the appeal under the Redundancy Payments Acts, 1967 to 2007 succeeds and awards the appellant a redundancy lump sum based on the following criteria:

Date of Birth: 22nd December 1986
Date of Commencement: 8th December 2003
Date of Termination: 29th April 2009
Gross Weekly Pay: €400.00

This award is made subject to the appellant having been in insurable employment during the period.

The Tribunal find that the appeal under the Minimum Notice and Terms of Employment Acts, 1973 to 2005 fails, as the appellant was unavailable for work in the two and a half months post the termination of his employment.

The Tribunal award the appellant €400.00 being the equivalent to 1 weeks annual leave entitlement under the Organisation of Working Time Act 1997.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)