

## EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:

CASE NO.

EMPLOYEE     -*Appellant*

RP1204/2010

against

EMPLOYER     -*Respondent*

under

### REDUNDANCY PAYMENTS ACTS, 1967 TO 2007

I certify that the Tribunal  
(Division of Tribunal)

Chairman:   Mr. D. MacCarthy S C

Members:   Mr. F. Cunneen  
              Ms. E. Brezina

heard this appeal at Dublin on 27th January 2011

#### **Representation:**

Appellant:         In Person

Respondent:        No appearance or representation on behalf of the respondent.

#### **The decision of the Tribunal was as follows:**

Neither the respondent company nor a representative on its behalf attended the hearing. The Tribunal being satisfied that the company was notified of the hearing at its registered office, proceeded to hear the claim.

The appellant's employment had terminated by reason of redundancy on 31 July 2009. He acknowledged that during 2008 there was an interruption of some three weeks in his employment. On 28 March 2008 he and his brother (the foreman) had argued about a non work-related matter. The appellant was sent home by his brother but returned to his position some three weeks later.

#### **Determination:**

There was an interruption in the appellant's employment of approximately three weeks between 29 March 2008 and 20 April 2008 following a family row between the appellant and the foreman (who was his brother). Later, the appellant came back to work. In the interim his P45 was not sent to him.

The Tribunal carefully considered the nature of this interruption. The respondent company did not attend the hearing, and in the form T2 that it filed, it stated that it was not contesting the claim

being made.

On balance the Tribunal is disposed to find that the interruption did not break the appellant's continuity of service, but the period of the interruption shall not count as reckonable service. The Tribunal finds that the appellant is entitled to a lump sum payment under the Redundancy Payments Acts, 1967 to 2007, based on the following criteria:

Date of Birth:	14 November 1970
Date of commencement to date of termination:	6 February 2006 – 31 July 2009
Period of non-reckonable service:	29 March 2008 – 20 April 2008 (inclusive)
Gross Weekly Pay:	€702.00*
Amount of Redundancy:	€4,704.00

\*It should be noted that payments from the social insurance fund are limited to a maximum of €600.00 per week.

This award is made subject to the appellant 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)