

**EMPLOYMENT APPEALS TRIBUNAL**

APPEALS OF:

CASE NO.

EMPLOYEE  
WT224/2010

RP723/2010

Against

EMPLOYER

under

**ORGANISATION OF WORKING TIME ACT, 1997  
REDUNDANCY PAYMENTS ACTS, 1967 TO 2007**

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Ms. D. Donovan  
Members: Mr. J. Hennessy  
Mr. F. Dorgan

heard this appeal at Waterford on 7th February 2011

Representation:

\_\_\_\_\_

Appellant:

Mr. Blazej Nowak, Polish Consultancy Enterprise, 19 Talbot  
Street, Dublin 1

Respondent:

Aisling Lawlor. KPMG, 90 South Mall, Cork

The decision of the Tribunal was as follows:-

The representative from KPMG indicated to the Tribunal that she was present on behalf of the Liquidator to observe the proceedings and to clarify details of employment where appropriate.

At the outset the appellant withdrew the claim under the Organisation Of Working Time Act, 1997.

The appellant stated that he commenced employment with the respondent on 28<sup>th</sup> November 2005 and was placed on temporary lay off from 2<sup>nd</sup> February 2010. He was subsequently made redundant on 6<sup>th</sup> April 2010. At the time of termination of employment the appellant was being paid €702.00 gross per week. The appellant did not receive any payment from the respondent in respect of a lump sum redundancy payment.

## **Determination**

Having considered the uncontested evidence of the appellant the Tribunal awards him a lump sum redundancy payment under the Redundancy Payments Acts, 1967 to 2007 based on the following criteria.

DOB	8 <sup>th</sup> August 1981
Commencement Date	28 <sup>th</sup> November 2005
Lay Off	2 <sup>nd</sup> February 2010 to 6 <sup>th</sup> April 2010
Termination date	6 <sup>th</sup> April 2010
Gross pay	€702.00

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

It should be noted that any payment made through the Social Insurance Fund is calculated on maximum earnings of €600.00 gross per week.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

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

