

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:

CASE NO.

EMPLOYEE
WT29/2011

RP1074/2010

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 F. Crawford B.L.
Members: Mr P. Pierce
Mr J. Flannery

heard this appeal at Dublin on 13th January 2011

Representation:

Appellant:

The appellant in person

Respondent:

The respondent in person

The decision of the Tribunal was as follows:-

The appellant stated that he commenced employment with the respondent on 1st June 2004 and was let go when the business closed down on 31st March 2009. At the time of termination of employment the appellant was being paid €476.47 gross per week. The appellant did not receive any payment from the respondent in respect of a lump sum redundancy payment. The appellant was due two weeks holidays but did not receive payment in lieu of this.

The respondent agreed that the appellant was made redundant on 31st March 2009 and confirmed that his start date was 1st June 2004. He also verified that the appellant was due two weeks holidays and had not been paid for them. The respondent did not contest the appellant's entitlement to a redundancy lump sum but stated that he was unable to pay this due to financial constraints.

The Tribunal awards the claimant €952.94 under the Organisation of Working Time Act, 1997 and a lump sum redundancy payment under the Redundancy Payments Acts, 1967 to 2007 based on the following criteria.

DOB	17 th June 1984
Commencement Date	1 st June 2004
Date notice received	N/A
Termination date	31 st March 2009
Gross pay	€476.47

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

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

