

**EMPLOYMENT APPEALS TRIBUNAL**

**APPEAL(S) OF:**  
EMPLOYEE

MN739/2010

**CASE NO.**  
RP144/2010  
*- appellant*

against  
EMPLOYER

*- respondent*

under

**MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2005  
REDUNDANCY PAYMENTS ACTS, 1967 TO 2007**

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Mr D. Herlihy

Members: Mr G. Andrews  
Ms S. Kelly

heard this appeal at Limerick on 11th February 2011

**Representation:**

Appellant(s) : Mr. Emmet O'Brien BL instructed by:  
Michael B O'Donnell, Solicitor, Main Street, Rathkeale, Co Limerick

Respondent(s) : In Person

The decision of the Tribunal was as follows:-

The appellant withdrew his claim under the Minimum Notice and Terms of Employment Acts, 1973 to 2005.

**Determination:**

The respondent conceded that a redundancy situation existed but stated to the Tribunal that his company was in financial difficulty and therefore he had an inability to pay the redundancy payment. The Tribunal awards the appellant a redundancy lump sum under the Redundancy Payments Acts, 1967 to 2007 based on the following criteria:

Date of Birth:	22 August 1968
Date of Commencement:	07 June 2004
Date of Termination:	26 February 2010

Gross Pay: € 643.00

It should be noted that a statutory weekly ceiling of €600.00 applies to payments from the Social Insurance Fund.

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)