

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:

CASE NO.

EMPLOYEE

RP769/2010

WT239/2010

MN512/2010

against

EMPLOYER

under

**MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2005
ORGANISATION OF WORKING TIME ACT, 1997
REDUNDANCY PAYMENTS ACTS, 1967 TO 2007**

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms. K.T. O'Mahony B.L.

Members: Mr D. Hegarty
Ms H. Kelleher

heard this appeal at Cork on 3rd December 2010

Representation:

Appellant:

Mr Jan Jaroslaw Potocki, Polish English Translation,
"Pilawa", Office 19, 21-23 Oliver Plunkett Street, Cork

Respondent:

No appearance by or on behalf of the respondent

The decision of the Tribunal was as follows:-

There was no appearance by or on behalf of the respondent. The Tribunal is satisfied that the respondent was properly notified of the hearing.

The claim under the Organisation Of Working Time Act, 1997 was withdrawn at the outset. The appellant stated that he commenced employment with the respondent on 3rd October 2007 and was made redundant on 12th January 2010 without notice or payment in lieu thereof. At the time of

termination of employment the appellant was being paid €430.00 gross per week. The appellant stated that he had already been paid €1,951.56 out of his full entitlement to redundancy.

Determination

Having considered the uncontested evidence of the appellant the Tribunal awards him €860.00 under the Minimum Notice and Terms Of employment Acts, 1973 to 2005 and a lump sum redundancy payment under the Redundancy Payments Acts, 1967 to 2007 based on the following criteria but less €1,951.56 already paid.

DOB	N/A
Commencement Date	3 rd October 2007
Date notice received	N/A
Termination date	12 th January 2010
Gross pay	€430.00 per week

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 the basis of maximum earnings of €600.00 per week.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

