

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:
EMPLOYEE – *appellant*

CASE NO.
RP471/2010
MN245/2010
WT128/2010

Against

EMPLOYER – *respondent*

under

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

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms B Glynn

Members: Mr P Pierson
Ms H Murphy

heard this claim at Athlone on 13th December 2010

Representation:

Appellant(s): Ms Maire Mulvey
Westmeath Citizens Information Service
St Mary's Square, Athlone, Co Westmeath

Respondent(s): No appearance or representation

The decision of the Tribunal was as follows:

There was no appearance or representation on behalf of the respondent. The appellant gave evidence that her employment with the respondent company commenced on September 18th 2002. She was employed to work in the staff canteen. On May 9th 2008 the appellant was issued with an RP9 form. She returned to work on June 3rd 2008.

After Christmas 2008 the appellant expected to return to work on January 4th 2009, but she received a text message from her employer which stated that the Christmas holidays were being extended until January 13th 2009. The claimant continued to receive text messages from her employer extending the return to work date until August 2009. She did not return to work in 2009. She was paid outstanding wages for 2008 in March 2009. She had taken all of her annual leave allocation for 2008.

Determination:

Based on the uncontested evidence of the appellant the Tribunal finds that a redundancy situation existed and that she is entitled to a redundancy lump sum payment based on the following information:

Date of Birth:	18 th May 1950
Date of Commencement:	18 th September 2002
Date of Termination:	2 nd January 2009
Period of Non-Reckonable Service:	9 th May 2008 to June 2 nd 2008
Weekly Gross Pay:	€370.00

This award is made subject to the appellant having been in insurable employment under the Social Welfare Acts during the relevant period.

The Tribunal awards the appellant €1,480.00 (one thousand four hundred and eighty euro) in respect of four weeks' pay under the Minimum Notice and Terms of Employment Acts, 1973 to 2005.

As the Tribunal heard that the appellant received her full annual leave entitlement for 2008 the claim under the Organisation of Working Time Act, 1997, is dismissed.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)