

EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:

CASE NO.

EMPLOYEE

RP1669/2010
MN1184/2010

against

EMPLOYER

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. M. O'Connell B.L.

Members: Mr. M. Flood

Mr. N. Dowling

heard this appeal at Dublin on 1st April 2011

Representation:

Appellant: Mr. James Coughlan,

SIPTU, Irish National Painters &, Decorators Trade Group, Liberty Hall, Dublin 1

Respondent: The respondent in person

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

The appellant stated that he commenced employment with the respondent on 19th September 2005 and was let go when the business closed down on 17th June 2010. At the time of termination of employment the appellant was being paid €818.40 gross per week. The appellant did not receive any payment from the respondent in respect of a lump sum redundancy payment.

The appellant was on temporary lay off from 4th January 2010 to 17th June 2010

The respondent agreed with the above dates and rate of pay and stated that he did not contest the appellants right to a redundancy lump sum. However the respondent is not in a position to make this payment due to financial constraints.

Determination

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

DOB	13 th October 1949
-----	-------------------------------

Commencement Date	19 th September 2005
Date notice received	N/A
Termination date	17 th June 2010
Gross pay	€818.40
Period of lay off	4 th January 2010 to 17 th June 2010

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 weekly earnings of €600.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

