

**Correcting Order**

**EMPLOYMENT APPEALS TRIBUNAL**

**APPEAL(S) OF:**  
EMPLOYEE

**CASE NO.**  
RP259/2009

- *appellant*

against  
EMPLOYER

- *respondent*

under

**REDUNDANCY PAYMENTS ACTS, 1967 TO 2007**

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Mr M. Gilvarry

Members: Mr. D. Morrison  
Ms. R. Kerrigan

heard this appeal at Letterkenny on 26th June 2009

**Representation:**

Appellant(s) : In Person

Respondent(s) : In Person

The decision of the Tribunal was as follows:-

**Determination:**

This Order is a correcting Order and should be read in conjunction with the original Order dated July 17<sup>th</sup> 2009. The correct date of commencement for the appellant in this case is 01 December 2003

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

(Sgd.) \_\_\_\_\_  
(CHAIRMAN)

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**Representation:**

Appellant(s) : In Person

Respondent(s) : In Person

The decision of the Tribunal was as follows:-

**Background:**

The appellant confirmed his commencement and termination dates and his gross weekly wage. The owner told him on December 11<sup>th</sup> 2008 that there was no more work for him. He received his P45 two days later.

The owner of the respondent company stated that he had told his staff that there was no more work for them at that time. He gave the appellant his P45 in order he could claim social welfare benefit.

**Determination:**

The Tribunal after considering all the evidence concluded that the issuing by the respondent of the P45 to the appellant constituted a dismissal of the employee and as there was no more work for him at the time of his dismissal it was by reason of redundancy.

The Tribunal determines that the appellant is entitled to a redundancy lump sum payment under the Redundancy Payments Acts, 1967 to 2007 based on his continuous service and the following information:

Date of Birth:	08 November 1982
Date of Commencement:	01 December 2005
Date of Termination:	11 December 2008
Gross weekly pay:	€ 357.66

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)