

## **EMPLOYMENT APPEALS TRIBUNAL**

APPEAL OF:  
EMPLOYEE

CASE NO.  
RP74/2010, MN47/2010

against

EMPLOYER

Under

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

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Ms J. McGovern B.L.

Members: Mr J. Horan  
Mr J. Jordan

heard this appeal at Wicklow on 16th March 2011

### **Representation:**

Appellant : Ms Ger Malone, SIPTU, Connolly Hall, Summerhill, Waterford

Respondent : No representation listed

The decision of the Tribunal was as follows:

This hearing was characterised by conflicting evidence between the parties and witnesses, confusion over dates, and frequent references to third parties who were not present at the hearing. Another feature of the hearing was the submission of an unsigned letter and incomplete documentation.

Having considered the adduced evidence and submissions the Tribunal finds, on balance, that the appellant's termination of employment with the respondent was by way of redundancy. Accordingly, the appeal under the Redundancy Payments Acts, 1967 to 2007 is allowed and the appellant is awarded a statutory lump sum payment under those Acts, and based on the following:

Date of Birth: 25 September 1963  
Date of Commencement : 15 June 2001  
Date of Termination: 9 April 2009  
Gross Weekly Wage: €877.70

A statutory weekly ceiling of €600.00 applies to payments under the Redundancy Acts.

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

The appeal under the Minimum Notice and Terms of Employment Acts, 1973 to 2005 succeeds and the Tribunal awards the appellant €877.70 for outstanding notice.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

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

