

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:
EMPLOYEE - *appellant*

CASE NO.
RP2685/2009

against

EMPLOYER
- *respondent*

under

REDUNDANCY PAYMENTS ACTS, 1967 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr. T. Ryan

Members: Mr G. Andrews
Mr G. Whyte

heard this appeal at Dublin on 19th August 2010
and 6th January 2011

Representation:

Appellant: In person

Respondent: In person

The decision of the Tribunal was as follows:-

The hearing was adjourned on the 19th August 2011 to allow both parties to submit documentation to the Tribunal in respect of the case.

On the second day of the hearing, the Tribunal heard submissions from both parties and documentation was provided.

The respondent maintained that the appellant on two occasions had left his employment, March 2007 and June 2008. The appellant maintained he had sought the time off in March 2007; the respondent disagreed with him and had agreed to re-engage him after this absence. In June 2008 the appellant had said it was looking like he would have to leave, the respondent had tried to contact him during this period but the appellants phone was turned off. He eventually contacted the claimant through his brother. The respondent re-engaged the appellant after this absence but he was unsure who had approached whom to allow this to happen. The respondent re-engaged the

appellant twice but he did not think these absences were acceptable.

Determination

The Tribunal carefully considered the submissions and the documentation adduced at the hearing. The appellant absences totalled to six weeks, while the statutory documents submitted do not record these. On balance the Tribunal find that the appellant is entitled to a redundancy lump sum under the Redundancy Payments Acts, 1967 to 2007, based on the following criteria:

Date of birth	15 December 1975
Date employment commenced	5 th September 2005
Date employment ceased	15 th December 2008
Gross weekly pay	€ 687.00

This award is made subject to the appellant having been in insurable employment under the Social Welfare Acts during the relevant period. It should be noted that a statutory weekly ceiling of €600.00 applies to payments from the Social Insurance Fund.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)