

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:
EMPLOYEE - appellant

CASE NO.
RP2393/2009

against

EMPLOYER

under

REDUNDANCY PAYMENTS ACTS, 1967 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr. L. Ó Catháin

Members: Mr. D. Hegarty
Mr. J. Flavin

heard this appeal in Clonakilty on 13 December 2010

Representation:

Appellant(s):
In person

Respondent(s):
Mr. Ciarán O'Brien on behalf of David O'Connor, Solicitor, Newmarket, Co. Cork

The decision of the Tribunal was as follows:-

The appellant claimed that her employment, which commenced on 17 April 2000, ended by reason of redundancy on 22 January 2009. The gross weekly pay was €91.50 based on an assessment of pay documentation.

No evidence was offered by or on behalf of the respondent to establish that the appellant was not entitled to a redundancy lump sum. A solicitor acting on behalf of the respondent's representative came to the 13 December 2010 hearing and asked the Tribunal to adjourn to a later date. The appellant objected to this and the Tribunal ruled that it would proceed with the hearing rather than grant an adjournment at such short notice.

In sworn testimony, the appellant confirmed her date of birth, commencement date and termination date. She stated that she had been laid off from the respondent's shop in Glengarriff but had been told that she would be back in six weeks. She made contact after six weeks but was told that it was not busy enough although the shop did open and most of the staff did go back. She did not hear anything from her employer subsequently. She sought redundancy from the employer by registered post but did not receive it.

Determination:

Under the Redundancy Payments Acts, 1967 to 2007, the Tribunal finds that the appellant is entitled to a redundancy lump sum based on the following details:

Date of birth:	27 December 1951
Date of commencement:	17 April 2000
Date of termination:	22 January 2009
Gross weekly pay:	€91.50

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)