

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:
EMPLOYEE – *appellant*

CASE NO.
RP2617/2009
MN2134/2009

against

EMPLOYER – *respondent*

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: Mr P Hurley

Members: Mr G Andrews
Ms H Henry

heard this appeal at Galway on 10th February 2011

Representation:

Appellant(s): Ms Gemma Forde
Charles Foley, Solicitors
Market Square, Gort, Co Galway

Respondent(s): Ms Eva Dooley on behalf of:
Mr Michael McEvoy - Liquidator
Duffy Tierney & Company, Auditors & Accountants
Seville House, New Dock Street, Galway
&
Mr Paul Loughlin on behalf of:
Mr Kieran Wallace – Receiver
KPMG, 1 Stoke's Place, St. Stephen's Green, Dublin 2

The decision of the Tribunal was as follows:-

The appellant gave evidence that his employment with the respondent company as a security guard commenced in December 2006. On August 20th 2009 he went to the nightclub to collect his wages. A form P45 was enclosed. He wasn't told why. A colleague told him that the nightclub security was being taken over by an outside company.

No evidence was adduced on behalf of the respondent.

Determination:

Based on the uncontested evidence of the appellant the Tribunal finds that a redundancy situation existed and that the appellant is entitled to a redundancy lump sum payment under the Redundancy Payments Acts, 1967 to 2007, based on the following information:

Date of Birth: 7th April 1980
Date of Commencement: 15th December 2006
Date of Termination: 3rd September 2009
Weekly Gross Pay: €125.20

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

The Tribunal awards the appellant €250.40 (two hundred and fifty euro forty cent) in respect of two weeks' notice under the Minimum Notice and Terms of Employment Acts, 1973 to 2005. The date of termination has been amended to reflect this award.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)