

## EMPLOYMENT APPEALS TRIBUNAL

CLAIM(S) OF:

EMPLOYEE

*-Claimant*

CASE NO.

UD2076/2009

RP2336/2009

MN872/2010

against

EMPLOYER

*-Respondent*

under

### UNFAIR DISMISSALS ACTS, 1977 TO 2007 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. D. MacCarthy S.C.  
Mr. T. O'Grady  
Mr. M. O'Reilly

heard this claim at Dublin on 13<sup>th</sup> December 2010

#### **Representation:**

Claimant: Mr Richard Grogan, Richard Grogan & Associates, Solicitors,  
16 & 17 College Green, Dublin 2

Respondent: Neither the respondent nor a representative on its behalf attended the hearing.

#### **The determination of the Tribunal was as follows:**

The claim under the Unfair Dismissals Acts, 1977 to 2007, was withdrawn at the outset of the hearing.

The claimant gave evidence with the assistance of a Tribunal appointed translator. He was informed on 21<sup>st</sup> August 2009 that there would be no further work for a period of some two or three weeks. The foreman informed the claimant that when work became available he would return to work. However, no further work became available and the claimant subsequently received a P45, which was backdated to the 21<sup>st</sup> August 2009.

#### **Determination:**

The Tribunal is satisfied from the uncontested evidence that the claimant was dismissed by reason of redundancy and find that the lump sum payment under the Redundancy Payments Acts, 1967 to 2007, should be based on the following criteria:

Date of Birth: 1<sup>st</sup> February 1974  
Date of Commencement: 3<sup>rd</sup> September 2006  
Date of Termination: 21<sup>st</sup> August 2009  
Gross Weekly Pay: €311.16  
Amount of Redundancy: €2,159.45

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

The Tribunal is satisfied that the appellant is entitled to the sum of €622.32 (being the equivalent of two weeks' gross pay) under the Minimum Notice and Terms of Employment Acts, 1973 to 2005.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

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