

EMPLOYMENT APPEALS TRIBUNAL

CLAIM(S) OF:
EMPLOYEE – *claimant*

CASE NO.
UD568/2010
RP2616/2009
MN2133/2009

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 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 as a nightclub security guard commenced on April 6th 2007. He earned an average of €186.24 per week. On August 10th 2009 he was told that an agency was taking over the security role in the club, but he wasn't told when. He was asked if he would work for the agency and he said he would think about it. On August 20th 2009 he received his P45 with his wages. There was no further offer of work. The claim under the Unfair Dismissals Acts, 1977 to 2007, was withdrawn.

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:	28 th September 1978
Date of Commencement:	6 th April 2007
Date of Termination:	3 rd September 2009
Weekly Gross Pay:	€186.24

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 €372.48 (three hundred and seventy-two euro forty-eight cent) in respect of two weeks' pay 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)