

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:
EMPLOYEE - first appellant

CASE NO.
RP2223/2010
MN1587/2010
WT712/2010

and

EMPLOYEE - second appellant

RP2224/2010
MN1588/2010
WT713/2010

and

EMPLOYEE - third appellant

RP2225/2010
MN1589/2010
WT714/2010

and

EMPLOYEE - fourth appellant

RP2226/2010
MN1590/2010
WT715/2010

against

EMPLOYER - respondent

under

REDUNDANCY PAYMENTS ACTS, 1967 TO 2007
MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2005
ORGANISATION OF WORKING TIME ACT, 1997

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms. M. Levey BL

Members: Mr. M. Carr
Mr. M. O'Reilly

heard this appeal in Dublin on 28 March 2011

Representation:

Appellant(s):

Mr Billy Wall, Operative Plasterers & Allied Trades'
Society Of Ireland, 72 Shantalla Road, Beaumont, Dublin 9

Respondent(s):

No attendance or representation

The decision of the Tribunal was as follows:-

The first appellant (RS) claimed that his employment, which commenced on 09 May 2007, ended without paid notice by reason of redundancy on 10 May 2010. His gross weekly pay was €655.00. A claim was also lodged on behalf of RS under the Organisation of Working Time Act, 1997, (in respect of holidays outstanding at the time of termination of his employment with the respondent) but it was not prosecuted at the hearing.

The second appellant (GK) claimed that his employment, which commenced on 25 April 2006, ended without paid notice by reason of redundancy on 5 May 2010. His gross weekly pay was €655.00. A claim was also lodged on behalf of GK under the Organisation of Working Time Act, 1997, (in respect of holidays outstanding at the time of termination of his employment with the respondent) but it was not prosecuted at the hearing.

The third appellant (AK) claimed that his employment, which commenced on 01 January 2006, ended without any paid notice by reason of redundancy on 30 April 2010 (after his dismissal on 22 April 2010). His gross weekly pay was €677.00. A claim was also lodged on behalf of AK under the Organisation of Working Time Act, 1997, (in respect of holidays outstanding at the time of termination of his employment with the respondent) but it was not prosecuted at the hearing.

The fourth appellant (PK) claimed that his employment, which commenced on 01 January 2006, ended without paid notice by reason of redundancy on 5 May 2010. His gross weekly pay was €655.00. A claim was also lodged on behalf of PK under the Organisation of Working Time Act, 1997, (in respect of holidays outstanding at the time of termination of his employment with the respondent) but it was not prosecuted at the hearing. The Tribunal was also told that PK had received his redundancy money

Determination:

First Appellant

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

Date of birth:	27 January 1975
Date of commencement:	09 May 2007
Date of termination:	10 May 2010
Gross weekly pay:	€655.00

It should be noted that payments from the Social Insurance Fund are limited to a maximum of €600.00 per week.

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

Allowing the claim lodged under the Minimum Notice and Terms of Employment Acts, 1973 to 2005, the Tribunal awards the first appellant the sum of €1,310.00 (this amount being equivalent to two weeks' gross pay at €655.00 per week).

The claim lodged on behalf of this appellant under the Organisation of Working Time Act, 1997, (in respect of holidays outstanding at the time of termination of his employment with the respondent) falls for want of prosecution.

Second Appellant

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

Date of birth:	25 December 1976
Date of commencement:	25 April 2006
Date of termination:	05 May 2010
Gross weekly pay:	€655.00

It should be noted that payments from the Social Insurance Fund are limited to a maximum of €600.00 per week.

This award is made subject to the appellant having been in insurable employment under the Social

Welfare Acts during the relevant period.

Allowing the claim lodged under the Minimum Notice and Terms of Employment Acts, 1973 to 2005, the Tribunal awards the second appellant the sum of €1,310.00 (this amount being equivalent to two weeks' gross pay at €655.00 per week).

The claim lodged on behalf of this appellant under the Organisation of Working Time Act, 1997, (in respect of holidays outstanding at the time of termination of his employment with the respondent) falls for want of prosecution.

Third Appellant

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

Date of birth:	24 December 1978
Date of commencement:	01 January 2006
Date of termination:	06 May 2010
Gross weekly pay:	€677.00

It should be noted that payments from the Social Insurance Fund are limited to a maximum of €600.00 per week.

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

Allowing the claim lodged under the Minimum Notice and Terms of Employment Acts, 1973 to 2005, the Tribunal awards the first appellant the sum of €1,303.00 (this amount being equivalent to two weeks' gross pay at €651.50 per week).

The claim lodged on behalf of this appellant under the Organisation of Working Time Act, 1997, (in respect of holidays outstanding at the time of termination of his employment with the respondent) falls for want of prosecution.

Fourth Appellant

This appellant's appeal under the Redundancy Payments Acts, 1967 to 2007, falls for want of prosecution.

Allowing the claim lodged under the Minimum Notice and Terms of Employment Acts, 1973 to 2005, the Tribunal awards the fourth appellant the sum of €1,310.00 (this amount being equivalent to two weeks' gross pay at €655.00 per week).

The claim lodged on behalf of the fourth appellant under the Organisation of Working Time Act, 1997, (in respect of holidays outstanding at the time of termination of his employment with the respondent) falls for want of prosecution.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)