

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:
EMPLOYEE – *appellant*

CASE NO.
RP2544/2009
MN2085/2009

against

EMPLOYER – *respondent*

under

MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2005 REDUNDANCY PAYMENTS ACTS, 1967 TO 2007

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 August 16th 2006. In 2008 he earned an average of €147.32 per week. On August 20th 2009 he received his P45 with his wages. He was not told anything by the management. He heard from a colleague that an outside company was taking over the security role.

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: 6th December 1973
Date of Commencement: 16th August 2006
Date of Termination: 3rd September 2009
Weekly Gross Pay: €147.32

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 €294.64 (two hundred and ninety-four euro sixty-four 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)