

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:
EMPLOYEE

-appellant

CASE NO.
RP491/2010
MN274/2010

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 J Flanagan BL

Members: Mr T Gill
Mr F Barry

heard this appeal at Tullamore on 8th April 2011

Representation:

Appellant: In person

Respondent: No appearance by or on behalf of the respondent

The decision of the Tribunal was as follows: -

Determination:

There was no appearance by or on behalf of the respondent. The Tribunal noted that in the Form T1A the employer was named as “[director’s name] t/a [the respondent’s name].” Notwithstanding this formula in the Form T1A the Tribunal is satisfied that the respondent was properly notified of this hearing and deems service good. For the avoidance of doubt the Tribunal amends the name of the employer to that of the respondent *simpliciter*. The Tribunal confirmed by way of a Companies Registration Office search that the registered post had been sent to the address of the registered office of the respondent company.

The Tribunal also notes that the director of the respondent had signed a Form RP50 in respect of the appellant. The Tribunal understands that a determination of the Tribunal was sought because the respondent had neither paid the redundancy lump sum due nor had the respondent satisfied the Redundancy Payments Section of the Department of Social Protection that the respondent had an inability to pay redundancy. Based on the uncontroverted evidence of the appellant, the Tribunal

finds that the appellant is entitled to a redundancy lump sum under the Redundancy Payments Acts, 1967 to 2007 calculated on the basis of the following criteria:

Date of Birth:	24 th April 1974
Date of Commencement:	5 th April 1994
Date of Termination:	17 th July 2009
Gross Weekly Pay:	€518.78

This award is made subject to the appellant having been in insurable employment under the Social Welfare Acts during the relevant period. A statutory weekly ceiling of €600.00 applies to payments under the Redundancy Acts. The date of termination of employment has been calculated by adding on the minimum notice period.

The Tribunal finds that the appellant's employment was terminated without notice and accordingly the Tribunal awards the appellant €4150.24, being the equivalent to 8 weeks 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)