

EMPLOYMENT APPEALS TRIBUNAL

CLAIM(S) OF: CASE NO.
EMPLOYEE RP71/2010
UD51/2010
claimant MN46/2010

Against

EMPLOYER *respondent*

under

**MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2005
REDUNDANCY PAYMENTS ACTS, 1967 TO 2007
UNFAIR DISMISSALS ACTS, 1977 TO 2007**

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms P. McGrath BL

Members: Mr G. Mc Auliffe
Mr J. Flannery

heard this claim at Dublin on 9th May 2011

Representation:

Claimant(s): The claimant in person

Respondent(s): Mr. Gareth Kyne, Oengus Lodge, Newgrange, Slane, Co Meath

The determination of the Tribunal was as follows:-

Determination

The claimant commenced employment with the respondent in January 2006. The claimant was on maternity leave in January 2009. She notified the manager that she wanted to return to work but the off licence was closed down. The respondent did not have a job in the same area or an alternative job for the claimant.

The respondent conceded that a redundancy situation existed and the claimant is therefore entitled

to a redundancy lump sum under the Redundancy Payments Acts 1967 to 2007 based on the following:

Date of birth	27 August 1977
Date employment commenced	1 January 2006
Date employment ended	31 December 2009
Gross weekly pay	€126.00

The claimant is entitled to two weeks gross pay in the amount of €252.00 under the Minimum Notice and Terms of Employment Acts, 1973 to 2005.

As a redundancy situation existed the claimant is not entitled to an award under the Unfair Dismissals Acts, 1977 to 2007 and this claim fails.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

