

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:

CASE NO.

EMPLOYEE
MN1040/2010

RP1486/2010

against
EMPLOYER
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: Ms. K.T. O'Mahony B.L.
Members: Mr D. Hegarty
Ms H. Kelleher

heard this appeal at Cork on 3rd December 2010

Representation:

Appellant:

Mr. Noel Murphy, Independent Workers Union, 55 North Main Street, Cork

Respondent:

No appearance by or on behalf of the respondent

The decision of the Tribunal was as follows:-

The Tribunal is satisfied that the respondent was properly notified of the hearing.

The appellant was made redundant on 6th February 2009. Form T1A was received by the Employment Appeals Tribunal on 3rd June 2010. The appellant did not lodge the appeal within the required 52 weeks because she was unaware of her entitlement to a redundancy payment until she contacted the Independent Workers Union. The appellant applied to extend the time to lodge her appeal under section 12(2)(b) of the Redundancy Payments Act, 1971.

The appellant commenced employment with the respondent on 1st May 2004. In January 2009 she was given two weeks holidays without pay and on her return was told that there was no more work, that the business was closed and that a P45 would be issued to her. She was neither given notice of the redundancy nor a redundancy payment. Nor was she given payment in lieu of notice.

Determination

The Tribunal extends the time for lodging the appeal to 104 weeks, on grounds of reasonable cause.. The Tribunal finds that a redundancy situation existed and the appellant is entitled to a redundancy payment under the Redundancy Payments Acts 1967 to 2007 based on the following criteria:

Date of Birth: 20th June 1961
Date of Commencement: 1st May 2004
Date of Termination: 6th February 2009
Weekly Gross Pay: €400.00

Having considered the uncontested evidence of the appellant the Tribunal finds that she ought to have been paid two weeks notice and accordingly awards her €800.00 under the Minimum Notice and Terms of Employment Acts, 1973 to 2005.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

