

EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:
EMPLOYEE

CASE NO.
RP2982/2009

-appellant

against
EMPLOYER

-respondent

under

REDUNDANCY PAYMENTS ACTS, 1967 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr. D. Mac Carthy S C
Members: Mr J. Flanagan
Ms. E. Brezina

heard this appeal at Naas on 16th February 2011

Representation:

Appellant: Mr Alan O'Neill, 57 Allenvue
Heights, Newbridge, Co. Kildare

Respondent: In person

Preliminary point:

The Tribunal notes that the appeal was lodged after the expiry of one year, but before two years had expired. The Tribunal finds that the failure to make the claim within the first year was due to reasonable cause and extend the time.

Background:

The Tribunal heard evidence from the parties in this case. The respondent told the Tribunal that he offered the company van to the Appellant i.e. to take over the repayments that were due on the van because he had no money to pay the redundancy to the Appellant. The appellant accepted the offer and took over the van/repayments. There were three payments left on the van and these amounted to €900.00. The Tribunal heard evidence as to the inability of the respondent to pay the redundancy.

Determination:

The Tribunal determines that offering the van in lieu of redundancy payment is not a proper method of paying redundancy.

1. The claimant was dismissed by reason of redundancy. The claimant is entitled to a redundancy payment under the Redundancy Payments Acts, 1967 to 2007, based on the following:

Date of Birth: 15th May 1950

Service from: 04th May 1991 to 30th November 2008
Normal weekly gross remuneration: € 310.00
Amount of redundancy payment: €11,215.80

This award is subject to the claimant having being in employment, which is insurable for all purposes under the Social Welfare Consolidation Act 2005.

Sealed with the Seal of the
Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)