

## EMPLOYMENT APPEALS TRIBUNAL

APPEALS OF:

CASE NO.

EMPLOYEE –**Appellant**

RP2878/2010  
MN2073/2010  
WT939/2010

against

EMPLOYER –**Respondent**

under

### **REDUNDANCY PAYMENTS ACTS, 1967 TO 2007 MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2005 ORGANISATION OF WORKING TIME ACT, 1997**

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Mr. D. MacCarthy S.C.

Members: Mr. E. Handley  
Mr. S. O'Donnell

heard these appeals at Dublin on 13 June 2011

#### **Representation:**

Appellant:

In person

Respondent:

Mr. Gerard Martin, T/A Martin & Co. Accountants,  
Quarry View, Millicent Road, Clane, Co. Kildare

The determination of the Tribunal was as follows:

#### **Determination:**

The appellant was laid off on 2 July 2010 and later served the respondent with form RP9. No counter notice was given. Accordingly, the Tribunal finds that the appellant is entitled to a lumpsum payment of €16,200-00 under the Redundancy Payments Acts, 1967 to 2007 based on the following criteria.

Date of Birth	21 April 1974
Employment commenced	4 July 1997
Employment ended	7 August 2010
Gross weekly pay	€931-16

There was a period of non-reckonable service, by reason of lay off, from 2 July 2010 until 7 August 2010.

This award is made subject to the appellant having been in insurable employment under the Social Welfare Consolidation Act, 2005 during the relevant period. It should be noted that payments from the social insurance fund are limited to a maximum of €600-00 per week

No claim under the Minimum Notice and Terms of Employment Acts, 1973 to 2005 arises where the appellant has claimed a redundancy lump sum payment by reason of lay off.

The Tribunal awards €931-16 arrears of holiday pay under the Organisation Of Working Time, 1997.

Sealed with the Seal of the  
Employment Appeals Tribunal

This \_\_\_\_\_

(Sgd.) \_\_\_\_\_  
(CHAIRMAN)