

EMPLOYMENT APPEALS TRIBUNAL

APPEALS OF:

CASE NO:

EMPLOYEE

RP1130/2010

- appellant

MN793/2010

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. Lucey

Members: Mr. G. Andrews
Ms. S. Kelly

heard this appeal in Limerick on 01 July 2011

Representation:

Appellant: Eamonn Dillon, Solicitor, Church Street, Listowel, Co. Kerry

Respondent: In Person

The decision of the Tribunal was as follows:

Background:

The claimant was originally employment by another builder (OL) from 1987 which did sub-contractor work for the respondent. The appellant stated that his employment transferred to the respondent company in May 1992. Documentation from the Revenue Commissioners stating the appellant was employed by OL from 20 June 1987 to 30 August 1996 and from 1 September 1996 to 8 May 2009.

The respondent stated that the appellant had been in their employ from 24 March 2000 to 11 July 2009. They stated that they had back paid the appellant's PRSI and PAYE to 1996 as it was discovered OL had not paid it. Various other conflicting dates of commencement and termination were given to the Tribunal.

Determination:

Having heard the evidence adduced by both parties and the documentation submitted the Tribunal find the appellant was made redundant. However the Tribunal find the appellant's commencement and termination were different to those stated on the T1A form submitted to the Employment Appeals Tribunal.

Accordingly, the appeal under the Redundancy Payments Acts, 1967 to 2007 succeeds and the Tribunal award the appellant a redundancy lump sum, which is to be calculated on the basis of the following criteria:

Date of Birth:	05 June 1969
Date of Commencement:	23 March 2000
Date of Notice Given:	01 July 2009
Date of Termination:	11 July 2009
Gross Pay:	€ 750.00

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 appeal under the Minimum Notice and Terms of Employment Acts, 1973 to 2005 succeeds and the Tribunal awards the appellant € 3,000.00, this being four weeks gross pay.

Sealed with the seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)