

EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:

CASE NO.

EMPLOYEE –**Appellant**

RP2493/2010

against

EMPLOYER –**Respondent**

under

REDUNDANCY PAYMENTS ACTS, 1967 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mrs. M. Quinlan

Members: Mr. J. Flanagan
Mr. C. Ryan

heard this appeal at Dublin on 14 June 2011

Representation:

Appellant:

In person

Respondent:

Ms. Patricia Butler, Butler Reddy & Co. Insolvency Practitioners,
Carrick House, 49 Fitzwilliam Square West, Dublin 2

The determination of the Tribunal was as follows:

Determination:

The appellant's employment came to an end by reason of redundancy in October 2009. The appellant subsequently received a redundancy lump sum payment based on a starting date for the employment of 6 September 1998. It was conceded by the respondent that the correct starting date for the employment was 5 September 1989.

The Tribunal is satisfied that the appellant is entitled to receive a lump sum payment under the Redundancy Payments Acts, 1967 to 2007 based on the corrected starting date. The lump sum payment is to be calculated based on the following criteria

Date of Birth

12 November 1931

Employment commenced

5 September 1989

Employment ended
Gross weekly pay

29 October 2009
€245-23

For the avoidance of doubt the appellant, having already received a lump sum payment based on an incorrect starting date, is only to receive the additional amount reflecting the difference between the two starting dates used in the earlier calculation and this one awarded by the Tribunal.

This award is made subject to the appellant having been in insurable employment under the Social Welfare Consolidation Act, 2005 during the relevant period.

Sealed with the Seal of the
Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)