

EMPLOYMENT APPEALS TRIBUNAL

APPEALS OF:

CASE NO:

EMPLOYEE

- appellant

RP1104/2010

MN775/2010

WT348/2010

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. J. Lucey

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

heard this appeal in Limerick on 01 July 2011

Representation:

Appellant: John Kane, Assistant Branch, SIPTU, 4, Church Street,
St. John's Square, Limerick

Respondent: In Person

The decision of the Tribunal was as follows:

Determination:

The claim under the Organisation of Working Time, 1997 was dismissed.

Having heard the evidence adduced by the appellant and the documentation submitted the Tribunal the appellant was made redundant.

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: 23 June 1975

Date of Commencement: 01 November 2005
Date of Notice Given: -----
Date of Termination: 31 December 2008
Gross Pay: € 575.00

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

In respect of the claim under the Minimum Notice and Terms of Employment Acts, 1973 to 2005 it was dismissed due to the fact the appellant had lodged an RP9 form with the respondent and therefore prohibits him from making a claim. The claim is dismissed.

Sealed with the seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)