

## EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:  
EMPLOYEE

*appellant*

CASE NO.  
RP2921/2010

against

EMPLOYER  
EMPLOYER

*respondent*

under

### **REDUNDANCY PAYMENTS ACTS, 1967 TO 2007**

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Mr. T. Ryan

Members: Mr. T. O'Sullivan  
Mr N. Dowling

heard this appeal at Dublin on 17th June 2011

Representation:

Appellant(s): Mr. David Boughton BL instructed by Mr Niall Bass, Keans Solicitors,  
2 Upper Pembroke Street, Dublin 2

Respondent(s): No representation or attendance by or on behalf of the respondent

The decision of the Tribunal was as follows:-

The appeal for redundancy was lodged outside of the requisite time limit for lodging an appeal. At the outset of the hearing Counsel for the appellant outlined that the appellant was not in receipt of legal advice. His employment ended on the 29<sup>th</sup> June 2009 and he went to the Rights Commissioner regarding holiday pay and payment of wages. The appellant then contacted the Department of Enterprise Trade and Employment regarding his statutory redundancy. The employer failed to respond to correspondence from the appellant. The appellant lodged an appeal with the Tribunal on the 1<sup>st</sup> October 2010.

The Tribunal determine that reasonable cause existed which prevented the appellant lodging his appeal and therefore the Tribunal had the jurisdiction to hear the case under the Redundancy Payments Acts, 1967 to 2007.

**Determination**

The appellant was employed with the respondent from April 2002 until the 29<sup>th</sup> June 2009. His earnings in 2008 were €740.00 per week. He was on a three-day week from October 2008 and his employment ceased on the 29<sup>th</sup> June 2009. His gross pay at the time of his lay off was €444.00 per week.

The Tribunal determines that the appellant is entitled to a lump sum payment under the Redundancy Payments Acts, 1967 to 2007 based on the following criteria.

Appellant's date of birth	29 <sup>th</sup> July 1979
Date employment commenced:	15 <sup>th</sup> April 2002
Date employment ceased	29 <sup>th</sup> June 2009
Gross weekly pay	€740.00

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

There is a weekly ceiling of €600.00 on all awards made from the Social Insurance Fund.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

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

