

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:
EMPLOYEE

CASE NO.
RP1751/2010
MN1246/2010

against

EMPLOYER
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: Ms. M. Levey BL

Members: Mr. J. Flanagan
Ms. M. Maher

heard this case in Dublin on 6 April 2011

Representation:

Appellant(s):
No legal or trade union representation

Respondent(s):
No legal representation

The decision of the Tribunal was as follows:-

The appellant claimed that her employment, which commenced on 1 February 2008, ended (without fully-paid notice) by reason of redundancy on 24 February 2010. Her gross weekly pay was claimed to be €481.20.

The respondent (hereafter referred to as NL) stated that the appellant had had less than two years' service in that he had had her down as having had a hundred weeks' service.

The Tribunal understood that the appellant had started her employment on a part-time basis and that this explained the two sides' different calculations of the length of the appellant's service. Also, it appeared that the appellant had worked for reduced pay at the end of her second twelve months of employment but had not been on reduced pay for a full year.

NL stated that the appellant had been paid one week's wages as notice. There followed an exchange of submissions by the parties as to what notice payment to the appellant might still be outstanding. The Tribunal offered the parties an opportunity to leave the hearing-room to discuss the matter to see if their views could be reconciled. However, NL then stated that he would pay the appellant half of €481.20. The appellant then stated that this was to her satisfaction.

Determination:

The Tribunal was satisfied that the appellant did have service of the length that she claimed notwithstanding whether or not her employment had initially been on a part-time basis. Under the Redundancy Payments Acts, 1967 to 2007, the Tribunal finds that the appellant is entitled to a redundancy lump sum based on the following details:

Date of birth:	28 February 1984
Date of commencement:	01 February 2008
Date of termination:	24 February 2010
Gross weekly pay:	€481.20

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

Allowing the claim lodged under the Minimum Notice and Terms of Employment Acts, 1973 to 2005, the Tribunal, in implementation of the agreement jointly reached by the parties, awards the appellant the sum of €241.10 (this amount being equivalent to 0.5 weeks' gross pay at €481.20 per week).

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)