

EMPLOYMENT APPEALS TRIBUNAL

CLAIM(S) OF:
EMPLOYEE

CASE NO.
UD381/2010
RP593/2010
MN358/2010
WT170/2010

against

EMPLOYER

under

UNFAIR DISMISSALS ACTS, 1977 TO 2007
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. Revington SC

Members: Mr. F. Cunneen
Mr. A. Butler

heard this case in Dublin on 14 June 2011

Representation:

Claimant(s):
No legal or trade union representation

Respondent(s) :
Mr. Nigel Swan, Liquidator, Swan O'Sullivan, Auditors & Accountants,
177 Lower Rathmines Road, Dublin 6

The determination of the Tribunal was as follows:-

The claim under the Unfair Dismissals Acts, 1977 to 2007, was not prosecuted.

The appellant claimed that his employment, which commenced on 18 October 1991, ended without notice by reason of redundancy on 10 January 2010. His gross weekly pay was €754.65.

A claim was also made under the Organisation of Working Time Act, 1997, in respect of all 2009 holidays and 2010 holidays which were all outstanding at the time of termination of employment with the respondent.

No evidence was offered on behalf of the respondent to contest the claims made..

Determination:

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:	14 May 1947
Date of commencement:	18 October 1991
Date of termination:	10 January 2010
Gross weekly pay:	€754.65

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 awards the appellant the sum of €6,037.20 (this amount being equivalent to eight weeks' gross pay at €754.65 per week).

In addition, the Tribunal awards the appellant the sum of €3,094.07 (this amount being equivalent to 4.1 weeks' gross pay at €754.65 per week) under the Organisation of Working Time Act, 1997, in respect of holidays outstanding at the time of termination of his employment with the respondent.

It should be noted that state payments are limited to a maximum of €600.00 per week.

The claim under the Unfair Dismissals Acts, 1977 to 2007, falls for want of prosecution.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)