

**EMPLOYMENT APPEALS TRIBUNAL**

CLAIM(S) OF:

CASE NO.

EMPLOYEE  
(*appellant 1*)

UD213/2010  
MN204/2010

RP439/2010

EMPLOYEE (*appellant 2*)

UD214/2010  
MN205/2010  
RP440/2010

Against

EMPLOYER

EMPLOYER

under

**MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2005**  
**REDUNDANCY PAYMENTS ACTS, 1967 TO 2007**  
**UNFAIR DISMISSALS ACTS, 1977 TO 2007**

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Mr J. Revington S.C.

Members: Mr. D. Winston  
Mr F. Keoghan

heard this claim at Dublin on 6th May 2011

Representation:

\_\_\_\_\_

Claimant(s) :

Mr. Blazej Nowak, Polish Consultancy Enterprise, 107 Amiens  
Street, Dublin 1

Respondent(s) :

No appearance or representation

The determination of the Tribunal was as follows:

The claims under the Unfair Dismissals Acts, 1977 to 2007 and the Minimum Notice and Terms of Employment Acts, 1973 to 2005 were both withdrawn.

Having heard the evidence adduced by both parties in this case the Tribunal finds that the appellants' were made redundant on 18<sup>th</sup> December 2008.

The Tribunal, being satisfied that the respondent was properly on notice of the hearing, finds based on the uncontroverted evidence, that each appellant is entitled to a lump sum payment under the Redundancy Payments Acts, 1967 to 2007 based on the following criteria.

As both employees were General Operatives and entitled to the REA rate in the construction industry, an award of €580 is made to each appellant taking into account a rate of €14.88 per hour instead of the rate paid of €13.50 per hour. This rate is awarded under Section 10 (c) of the Redundancy Payments Acts, 1967 to 2007.

**Appellant 1**

Date of Birth	8 <sup>th</sup> October 1973
Employment commenced	15 <sup>th</sup> March 2006
Employment ended	18 <sup>th</sup> December 2008
Gross weekly pay	€580

**Appellant 2**

Date of Birth	12 <sup>th</sup> January 1958
Employment commenced	1 <sup>st</sup> February 2006
Employment ended	18 <sup>th</sup> December 2008
Gross weekly pay	€580

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

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

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

