

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:

CASE NO.

EMPLOYEE

appellant

MN2172/2010

RP3003/2010

Against

EMPLOYER

respondent

under

MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2005 REDUNDANCY PAYMENTS ACTS, 1967 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms N. O'Carroll-Kelly BL

Members: Mr F. Moloney
Mr C. Ryan

heard this appeal at Dublin on 10th August 2011

Representation:

Appellant(s): The appellant in person

Respondent(s): Director of the respondent

The decision of the Tribunal was as follows:-

Determination

The appellant was employed with the respondent since December 1997. On the 9th September 2008 he was placed on a three-day week until the 6th October 2009. In January 2010 the appellant sought redundancy. The respondent calculated the appellant's redundancy on his earnings based on a three-day week. The appellant refused to accept the redundancy as he felt he should be entitled to redundancy based on his full pay. The appellant's gross weekly pay while he was on a three-day week was €537.83.

The Tribunal finds that the appellant is entitled to a redundancy lump sum payment under the Redundancy Payments Acts, 1967 to 2007 based on the following criteria: -

Date of birth	15 April 1950
Date employment commenced	18 December 1997
Date employment ceased	6 October 2009
Gross weekly pay	€537.83

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

As the appellant sought a redundancy payment from the respondent he is not entitled to a notice payment under the Minimum Notice and Terms of Employment Acts, 1973 to 2005.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

