

## EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:  
EMPLOYEE – *appellant*

CASE NO.  
RP1708/2010

against  
EMPLOYER - *respondent*

under

### REDUNDANCY PAYMENTS ACTS, 1967 TO 2007

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Mr P O'Leary BL

Members: Mr T O'Sullivan  
Mr O Nulty

heard this appeal at Monaghan on 16th May 2011

Representation:

\_\_\_\_\_

Appellant(s): Mr Shane Kennedy  
Shane Kennedy & Company, Solicitors  
38 Dublin Street, Monaghan, Co Monaghan

Respondent(s): In person

The decision of the Tribunal was as follows:

The respondent conceded that a redundancy situation existed in relation to the appellant's position. The appellant signed the RP50 form to confirm that he had received his redundancy payment, though he had not, and the respondent gave him the employer's rebate amount of €15,724. The respondent submitted that he could not afford to pay the outstanding amount to the appellant. The appellant was seeking to have the remaining amount paid from the Social Insurance Fund.

#### **Determination:**

The Tribunal finds that a redundancy situation existed in relation to the appellant's employment, but as the appellant has already signed the form to confirm that he has received the full amount of his statutory redundancy pay the Tribunal cannot say whether the amount he contends is outstanding can be paid from the Social Insurance Fund. The Tribunal can confirm that he is entitled to a redundancy lump sum payment under the Redundancy Payments Acts, 1967 to 2007, based on the following information:

Date of Birth: 18<sup>th</sup> October 1970  
Date of Commencement: 1<sup>st</sup> June 1987  
Date of Termination: 26<sup>th</sup> September 2008  
Weekly Gross Pay: €732.33

This award is made subject to the appellant having been in insurable employment under the Social Welfare Acts during the relevant period. It should be noted that a statutory weekly ceiling of €600.00 applies to payments from the Social Insurance Fund.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

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