

EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:
EMPLOYEE *appellant* -

CASE NO.
RP1864/2010

against
EMPLOYER *respondent* -

under

REDUNDANCY PAYMENTS ACTS, 1967 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms K.T. O'Mahony B.L.

Members: Mr. P. Casey
Mr. D. McEvoy

heard this appeal at Cork on 4th February 2011 and 5th April 2011

Representation:

Appellant(s) : Michelle Corcoran,
R Neville & Co, Solicitors, Old Bank House, South Main
Street, Bandon, Co Cork

Respondent(s) : In person

The decision of the Tribunal was as follows:-

Giving sworn testimony, the respondent told the Tribunal that the appellant went on holidays on 31st August 2008.

He stated that the appellant said he was going home and would not be back to work. He did not work for him again and never asked for redundancy.

In his sworn evidence the appellant gave evidence that he worked for the respondent until he went on holidays in September 2009. On his return in mid-Sept he called the respondent and asked about work and his holiday pay. He was told there wasn't any work for him, no money either.

The appellant had difficulty in getting his P45 and was told by the respondent that he would not be entitled to redundancy.

The appellant stated that he sent home money to his wife and family and could not have done so if he was not working for the respondent. Details of payments were given to the Tribunal. When he applied for benefit after being let go he was told there was one year of contributions missing from his records.

The appellant's wife gave evidence that she had received monies from him during the period in question and that she visited him at Easter 2009 on holidays with their children. At that time he was working for the respondent.

Determination:

Having heard the evidence adduced by both parties in this case the Tribunal finds that the appellant was made redundant on 14th September 2009.

Accordingly, the appeal under the Redundancy Payments Acts, 1967 to 2007 succeeds and awards the appellant a redundancy lump sum, which is to be calculated on the basis of the following criteria:

Date of Birth:	12 November 1970
Date of Commencement:	24 August 2004
Date of Termination:	14 September 2009
Gross Pay	€350

This award is made subject to the appellant 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)

