

EMPLOYMENT APPEALS TRIBUNAL

APPEALS OF:

CASE NO.

EMPLOYEE

RP695/2011

MN544/2011

WT694/2011

against

EMPLOYER

under

**MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2005
REDUNDANCY PAYMENTS ACTS, 1967 TO 2007
ORGANISATION OF WORKING TIME ACT, 1997**

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr. J. Sheedy
Members: Mr. P. Casey
 Mr. D. Mcevoy

heard this appeal at Cork on 26th August 2011

Representation:

Appellant:

The appellant in person

Respondent:

No appearance by or on behalf of the respondent

There was no appearance by or on behalf of the respondent and the Tribunal is satisfied that he was properly notified of the hearing.

Appellant's case

The appellant stated that he commenced employment with the respondent on 1st November 2006 and was let go when the business closed down on 28th September 2010. At the time of termination of employment the appellant was being paid €367.50 gross per week. The appellant did not receive any payment from the respondent in respect of a lump sum redundancy payment.

The appellant did not receive notice of redundancy nor payment in lieu of such notice and had accrued an entitlement to 18.33 days annual leave, 10 of which he had taken. However he did not did not get paid for the balance of 10 days.

Determination

Having considered the uncontested evidence of the appellant the Tribunal awards him €735.00 under the Minimum Notice And Terms Of Employment Acts, 1973 to 2005 and €652.68 under the Organisation Of Working Time Act, 1997 together with a lump sum redundancy payment under the Redundancy Payments Acts, 1967 to 2007 based on the following criteria.

DOB	27 th December 1981
Commencement Date	1 st November 2006
Date notice received	N/A
Termination date	28 th September 2010
Gross pay	€367.50

This award is made subject to the claimant having been in insurable employment, during the relevant period, in accordance with the Social Welfare Acts.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

