

EMPLOYMENT APPEALS TRIBUNAL

CLAIM OF:

CASE NO.

EMPLOYEE

- claimant

UD772/10
RP1045/10
MN723/10

Against

EMPLOYER

- respondent

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: Ms P. McGrath BL

Members: Mr C. Lucey
Ms M. Maher

heard this claim at Dublin on 26th July 2011.

Representation:

Claimant: Ms Ann Stapleton BL, instructed by Greg Ryan, Solicitors, Park House, Upper
Kilmacud Road, Dublin 14

Respondent: No appearance by or on behalf of the respondent

The determination of the Tribunal was as follows:-

Determination:

The Tribunal is satisfied that the respondent was duly notified of the hearing. Neither the respondent nor a representative on their behalf appeared at this hearing.

The Tribunal has decided that the parties had intended that the stage payments made over 2010 and 2011 were meant to comprise the statutory redundancy payment and the minimum notice payment which fell due at the termination of the claimant's employment.

The issue of a €5000.00 notice payment contained in the contract of employment was outside the remit of the Tribunal especially in circumstances where the claimant had already sued the respondent on foot of this clause in the contract of employment and had succeeded in this claim

before the Circuit Court.

Accordingly, the claims under the Redundancy Payments Acts, 1967 to 2007 and the Minimum Notice and Terms of Employment Acts, 1973 to 2005 fail.

As the claim under the Unfair Dismissals Acts, 1977 to 2007 was accepted to be out of time the claim under that Act also fails.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)