

**EMPLOYMENT APPEALS TRIBUNAL**

CLAIMS OF:

CASE NO.

EMPLOYEE - **claimant**

UD1078/2010

RP1491/2010

MN1045/2010

WT443/2010

against

EMPLOYER - **respondent**

under

**UNFAIR DISMISSALS ACTS, 1977 TO 2007**  
**REDUNDANCY PAYMENTS ACTS, 1967 TO 2007**  
**MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2005**  
**ORGANISATION OF WORKING TIME ACT, 1997**

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Ms. S. McNally

Members: Mr. D. Hegarty  
Ms. H. Kelleher

heard these claims at Cork on 31 August 2011

Representation:

Claimant:

Mr. Terence O'Sullivan, Terence J. O'Sullivan Solicitors,  
32 Washington Street West, Cork City

Respondent

No appearance by, or representation on behalf of the respondent

The determination of the Tribunal was as follows:

**Determination**

The claim under the Organisation of Working Time Act was withdrawn at the outset. Being satisfied that the respondent was properly on notice of the hearing, the Tribunal proceeded to hear the evidence of the claimant. The claimant told the Tribunal that on 27 January 2010 the respondent's brother gave him two days' notice of the termination of his employment because of lack of work due to the loss of a contract. In circumstances where the claimant was unable to provide any evidence to support his contention that there was still work for him with

the respondent the Tribunal is satisfied that the appellant was dismissed by reason of redundancy and, accordingly, is entitled to a lump sum payment under the Redundancy Payments Acts, 1967 to 2007 based on the following criteria

Date of Birth	17 September 1981
Employment commenced	1 March 2007
Employment ended	29 January 2010
Gross weekly pay	€575-00

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

The evidence having shown that the claimant received two days' notice whereas his service entitled him to two weeks' notice the Tribunal further awards €920-00 being one week and three days' pay under the Minimum Notice and Terms of Employment Acts, 1973 to 2005.

Claims under the Redundancy Payments Acts and the Unfair Dismissals Acts being mutually exclusive the claim under the Unfair Dismissals Acts, 1977 to 2007 must fail.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

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