

## 1EMPLOYMENT APPEALS TRIBUNAL

CLAIMS OF:

CASE NO.

EMPLOYEE- *Claimant*

RP2307/2011  
UD634/2010

MN582/2010

WT266/2010

against

EMPLOYER- *Respondent*

under

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

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Mr. J. Revington S.C.

Members: Mr. D. Winston  
Mr. C. Ryan

heard this claim at Dublin on 10th June 2011 and 12th September 2011

Representation:

\_\_\_\_\_

Claimant:

Hennessy & Perrozzi, Solicitors, Burgundy House, Forster Way, Swords, Co Dublin

Respondent:

### **Background**

The claimant withdrew the claim under the Unfair Dismissals Acts, 1977 to 2007.

It was common case that the claimant commenced employment on 22<sup>nd</sup> April 2004 and was placed on temporary lay from 06<sup>th</sup> May 2009. The claimant was subsequently made redundant on 24<sup>th</sup> December 2009. At the date of termination of employment the claimant's gross pay was €325.00 per week.

No evidence was given in respect of the claim under the Organisation of Working Time Act, 1997.

## **Determination**

No evidence was adduced in respect of a claim under the Organisation of Working Time Act, 1997 and therefore that claim is dismissed.

Having considered the evidence adduced the Tribunal is satisfied that the respondent made the claimant redundant after a period of temporary lay-off. It is clear that the claimant did not request to be made redundant while on lay-off and therefore the Tribunal awards him €975.00 (three weeks pay) under the Minimum Notice and Terms of Employment Acts, 1973 to 2005.

The Tribunal also awards him a lump sum redundancy payment under the Redundancy Payments Acts, 1967 to 2007 based on the following criteria.

DOB	4 <sup>th</sup> June 1981
Commencement Date	22 <sup>nd</sup> March 2004
Lay-off	6 <sup>th</sup> May 2009 to 24 <sup>th</sup> December 2009
Termination date	24 <sup>th</sup> December 2009
Gross pay	€325.00

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)

