

**EMPLOYMENT APPEALS TRIBUNAL**

APPEAL(S) OF:

CASE NO.

EMPLOYEE Laois - *appellant*

RP2420/2010

MN1752/2010

against

EMPLOYER - *respondent*

under

**MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2005  
REDUNDANCY PAYMENTS ACTS, 1967 TO 2007**

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Ms. E. Kearney BL

Members: Mr J. Browne  
Ms S. Kelly

heard this appeal at Abbeyleix on 29th August 2011

Representation:

\_\_\_\_\_

Appellant(s) : Mr Tony Flanagan, Mountmellick Road, Portlaoise, Co Laois

Respondent(s) In Person

**Appellant's Case**

The appellant gave direct evidence that he commenced working as a barman for the respondent's public house premises on 19 November 2007. He remained in continuous employment until 4 July 2010. He received one week's notice from the respondent that the pub was closing as new proprietors were taking on the lease of the pub. He met with the new proprietors and they informed him that they were not in a position to offer him work. He was informed by the respondent that there may possibly be a few shifts available for him in his other public house premises in Portlaoise but he was never offered a full time position in that premises. He earned €420 per week when he worked for the respondent.

## **Respondent's Case**

The respondent gave direct evidence that made a decision to lease his public house premises. The pub did not close and was leased to new proprietors. The respondent employed 3 employees including the appellant and one of these employees continued working with the new proprietors. The appellant was not offered a full time position in the pub in Portlaoise as he did not want to work in Portlaoise. He was offered some work in Portlaoise which would have involved shift work but declined this offer.

## **Determination**

The Tribunal having carefully considered the evidence determine that a genuine situation existed as there was no comparable work available to the appellant. Accordingly the Tribunal awards the appellant a lump sum payment under the Redundancy Payments Acts 1967 to 2007 based on the following information:

Date of Birth:	1 August 1979
Date of commencement of employment:	19 November 2007
Date of termination of employment:	4 July 2010
Gross weekly pay:	€474.50

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

Further the Tribunal notes that the appellant received one week's notice of the termination of his employment. The Tribunal awards the appellant the sum of €474.50 being the equivalent of one weeks pay as the appellant had an entitlement to two weeks notice under the Minimum Notice and Terms of Employment Acts 1973 to 2005.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

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

