

## EMPLOYMENT APPEALS TRIBUNAL

CLAIMS OF:

CASE NO.  
UD797/2010  
RP1080/2010  
MN761/2010

EMPLOYEE *-claimant*

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**

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Ms P. McGrath BL  
Members: Mr G. Andrews  
Mr J. Jordan

heard this claim at Wicklow on 30th March 2011

Representation:

Claimant: In person

Respondent: In person

**Determination:**

The claimant's position of warehouse manager was made redundant in March 2010 when the respondent company was restructuring to cope with the great downturn in the economy.

The claimant was offered alternative work as a driver but was unable to take up that work as back injuries meant he could not drive over long periods of time.

There can be no doubt that the position of warehouse manger was made redundant and the claimant is therefore entitled to his statutory redundancy under the Redundancy Payments Acts, 1967 to 2007.

**Reckonable service:**

The claimant commenced employment on 15<sup>th</sup> June 1997 and his employment terminated on 5<sup>th</sup> March 2010. A six-day period of absence in 1999 does not affect the service accrued. The claimant's gross weekly pay was €609.20.

This award is made subject to the appellant having been in insurable employment under the Social

Welfare Acts during the relevant period.

Please note that there is a weekly ceiling of €600.00 on all awards made from the Social Insurance Fund.

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

The respondent told the Tribunal that he gave the claimant four weeks notice. As the claimant worked for thirteen years the claimant is due six weeks notice. Accordingly the Tribunal awards that claimant that sum of €1,218.40, this being two weeks gross pay as compensation under the Minimum notice and Terms of Employment Acts, 1973 to 2005.

Sealed with the Seal of the  
Employment Appeals Tribunal

This \_\_\_\_\_

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