

EMPLOYMENT APPEALS TRIBUNAL

CLAIM OF:
EMPLOYEE

CASE NO.
RP1752/2009
UD1558/2009

W

T660/2009
against
EMPLOYER

under

UNFAIR DISMISSALS ACTS, 1977 TO 2007 ORGANISATION OF WORKING TIME ACT, 1997 REDUNDANCY PAYMENTS ACTS, 1967 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr R. Maguire, B.L.

Members: Mr C. McHugh
Mr S. O'Donnell

heard this claim in Dublin on 22nd November 2011

Representation:

Claimant: Richard Grogan & Associates, Solicitors, 16 & 17 College Green, Dublin 2

Respondent: In person

Background:

It was common case that a redundancy situation existed.

Claims under the Unfair Dismissal Acts 1977 to 2007 and the Organisation of Working Time Act 1977 were withdrawn.

The Tribunal heard evidence in relation to the claimants' commencement date and in relation to the history of his employment and the circumstances surrounding the termination of that employment. The claimant began work for the respondent company in July 2001. His nationality dictated that he needed a work permit and he left his employment at some time in 2002 until the issue was resolved. The company applied for a work permit for him to be employed as a stone mason and when the permit was granted he resumed work for the respondent in April 2003.

Determination:

The Tribunal is not satisfied that there was continuous service as defined by Schedule 3 of the Redundancy Payments Acts 1967 to 2007 from commencement in 2001.

The balance of the evidence of the employee and of the company was that, at the latest, the employee left Ireland in July of 2002 and did not work for the employer again until April 2003.

Therefore, under Section. (?) (?) of Schedule 3

The reckonable service was only established when the claimant re-commenced work in April 2003.

Therefore the Tribunal finds that the appellant is entitled to a redundancy lump sum under the Redundancy Payments Acts, 1967 to 2007 based on the following criteria:

Date of Birth:	22 nd November 1973
Date of Commencement:	10 th April 2003
Date of Termination:	12 th June 2009
Gross Weekly Wage:	€ 759.00

This award is made subject to the appellant fulfilling current social welfare requirements in relation to PRSI contributions. A ceiling of €600 per week applies to any payments from the Social Insurance Fund.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

