

## EMPLOYMENT APPEALS TRIBUNAL

CLAIMS OF:

CASE NO.

EMPLOYEE –**Claimant**

UD1280/2010

RP1728/2010

MN1228/2010

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**

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Mr M. Levey BL

Members: Mr B. Kealy  
Mr P. Woods

heard these claims at Dublin on 20 December 2011

### **Representation:**

Claimant:

Mr Denis Ryan, Keith Walsh Solicitors,  
8 St. Agnes Road, Crumlin Village, Dublin 12

Respondent:

Mr Peter O'Shaughnessy, IBEC, Confederation House,  
84-86 Baggot Street, Dublin 2

The determination of the Tribunal was as follows:

### **Determination:**

At the outset the claim under the Unfair Dismissals Acts, 1977 to 2007 was withdrawn.

The Tribunal is satisfied that the claimant was dismissed by reason of redundancy and is entitled to a lump sum payment under the Redundancy Payments Acts, 1967 to 2007 based on the criteria set out in the following schedule

Whilst the claimant was absent from work from 17 January 2009 until the end of the employment this was on account of an occupational accident and therefore all her service is reckonable for the purposes of the Redundancy Payments Acts as the period of absence did not exceed 52 weeks

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Date of Birth	18 November 1948
Employment commenced	2 November 1998
Employment ended	30 December 2009
Gross weekly pay	€224 -00

This award is made subject to the appellant having been in insurable employment under the Social Welfare Consolidation Act, 2005 during the relevant period.

The claim under the Minimum Notice and Terms of Employment Acts, 1973 to 2005 was withdrawn as the claimant was not available for work at the end of the employment.

Sealed with the Seal of the  
Employment Appeals Tribunal

This \_\_\_\_\_

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