

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:

CASE NO.

EMPLOYER

UD1511/2010

appellant

against the recommendation of the Rights Commissioner in the case of

EMPLOYEE

respondent

and

EMPLOYER

appellant

under

UNFAIR DISMISSALS ACTS, 1977 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms O. Madden B.L.

Members: Mr. B. Kealy
Mr F. Keoghan

heard this appeal at Dublin on 9th December 2011

Representation:

Appellant(s):

Respondent(s):

The determination of the Tribunal was as follows:-

This case came before the Tribunal by way of an employer appealing against the recommendation of the Rights Commissioner dated 5th May 2010 reference r-083619-ud-09/RG.

Appellant's Case

The representative for the appellant conceded that the respondent should have been retained in employment until 5th May 2010. The employer had one job for three employees and it accepted it made a mistake in making the respondent redundant. The appellant disputed the amount of compensation awarded to the respondent by the Rights Commissioner.

Respondent's Case

The respondent told the Tribunal that she did not work from the 1st June 2009 until 5th May 2010. She returned to Poland in April 2010. After her dismissal on 5th July 2009 to 23rd March 2010 she was in receipt of job seekers benefit. She applied for jobs and went to employment agencies. She did not attend the Rights Commissioner's hearing. She received a redundancy lump sum of €2333.84.

Determination

On the evidence adduced the appellant conceded that the respondent was unfairly selected for redundancy. The Tribunal awards the respondent compensation of €6217.00 under the Unfair Dismissals Acts, 1977 to 2007 and therefore varies the recommendation of the Rights Commissioner. In making this award the Tribunal takes into account the fact that the respondent received a redundancy lump sum.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)