

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:

CASE NO.

EMPLOYEE

WT447/2011-*appellant*

RP1447/2011

MN1192/2011

against

EMPLOYERS

-respondents

under

**REDUNDANCY PAYMENTS ACTS, 1967 TO 2007
MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2005
ORGANISATION OF WORKING TIME ACT, 1997**

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms. K.T. O'Mahony BL

Members: Ms. M. Sweeney
Ms. P. Doyle

heard this appeal in Cork on 9 February 2012

Representation:

Appellant(s):

No legal or trade union representation

Respondent(s):

Mr. Diarmaid Falvey, Diarmaid Falvey, Solicitors,
Church Street, Cloyne, Co. Cork

The decision of the Tribunal was as follows:-

The appellant commenced employment in June 2005 with the former owner of the business, which was transferred to the respondents herein in November 2006. Her employment ended, without prior notice, by reason of redundancy in November 2009. Her gross weekly pay was €541.32, as computed from documentation made available to the Tribunal.

No evidence was offered at the hearing to contest the appellant's case.

Determination:

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 details:

Date of birth: 08 August 1983
Date of commencement: 15 June 2005
Date of termination: 13 November 2009
Gross weekly pay: €541.32

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

As the appellant did not receive prior notice of the termination of her employment the Tribunal awards her the sum of €1,082.64, this being two weeks' gross pay, in lieu of notice.

However, the claim under the Organisation of Working Time Act, 1997, in respect of holidays outstanding at the time of termination of the appellant's employment fails because it was not made within the required statutory time limit.

Sealed with the Seal of the
Employment Appeals Tribunal

This _____
(Sgd.) _____
(CHAIRMAN)

