

EMPLOYMENT APPEALS TRIBUNAL

APPEALS OF:

CASE NO.

EMPLOYEE

RP2881/2010

WT946/2010

MN2083/2010

against

EMPLOYER

under

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

I certify that the Tribunal
(Division of Tribunal)

Chairman: Dr. A. Courell B.L.

Members: Mr. D. Morrison
Ms. A. Moore

heard this appeal at Donegal on 13th January 2012

Representation:

Appellant: The appellant in person

Respondent: No appearance by or on behalf of the respondent

There was no appearance by or on behalf of the respondent and the Tribunal is satisfied that he was properly notified of the hearing.

Appellant's case

The appellant commenced employment with the respondent on 16th February 2000 and was made redundant on 1st November 2009. He received a phone call from the respondent on 1st November 2009 informing him that there was no more work available and that his employment was terminated, effective immediately. The appellant was not given any notice of redundancy, nor was he paid in lieu of such notice.

The appellant had taken and been paid for 5 days holidays and was not paid the balance of his annual leave entitlement under the Registered Employment Agreement for the Construction Industry.

At the date of his redundancy the appellant was earning €602.00 gross per week.

Determination

Having considered the uncontested evidence of the appellant the Tribunal awards him €2,408.00 under the Minimum Notice and Terms of Employment Acts, 1973 to 2005 and €1,505.00 under the Organisation of working time act together with a lump sum redundancy payment under the Redundancy Payments Acts, 1967 to 2007 based on the following criteria.

DOB	20 th February 1958
Commencement Date	16 th February 2000
Date notice received	N/A
Termination date	1 st November 2009
Gross pay	€602.00 per week

This award is made subject to the claimant having been in insurable employment, during the relevant period, in accordance with the Social Welfare Acts.

It should be noted that any payment made through the Social Insurance Fund is calculated based on maximum earnings of €602.00 per week.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)