

EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:

CASE NO.

EMPLOYEE- **appellant**

RP3110/2010

against

EMPLOYER- **respondent**

under

REDUNDANCY PAYMENTS ACTS, 1967 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr M. Gilvarry

Members: Mr P. Pierson
Ms A. Moore

heard these claims at Carrick on Shannon on 27 January 2012

Representation:

Claimant:
In person

Respondent:

The decision of the Tribunal was as follows: -

Determination

The respondent company was struck off the companies register on 15 January 2012. The appellant received a lump sum payment under the Redundancy Payments Acts based on an employment start date of September 2007. The appellant had been employed from March 2005 but the respondent took the view that there had been a break in service of some four weeks in August/September 2007 when the claimant went on holiday to his homeland. As the respondent hired temporary labour for this period he issued the appellant with a P45 at that time. The Tribunal was satisfied that there was continuity of employment such that the appellant was entitled to a lump sum payment under the Redundancy Payments Acts, 1967 to 2007 based on the following criteria.

Date of Birth	21 September 1978
Employment commenced	7 March 2005
Employment ended	16 October 2009

Gross weekly pay

€338-00

This award is made subject to the appellant having been in insurable employment under the Social Welfare Consolidation Act, 2005 during the relevant period. It should be noted that the appellant is now entitled to the difference between the figure arrived at from these criteria and the amount previously received.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)