

EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:
EMPLOYEE

CASE NO.
RP731/2011

against

EMPLOYER
under

REDUNDANCY PAYMENTS ACTS, 1967 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms. K. T. O'Mahony B.L.

Members: Ms M. Sweeney
Mr J. Flavin

heard this appeal at Tralee on 20th February 2012

Representation:

Appellant: In person

Respondent : No representation listed

The decision of the Tribunal was as follows:

This application under the above Acts was lodged with the Tribunal outside the fifty-two weeks prescribed for lodging a claim under the Redundancy Payments Acts 1967 to 2007. However, on addressing this issue on the day of the hearing, the Tribunal, applying section 24 of the 1967 Act as amended extended the time for lodging the appeal on grounds of reasonable cause.

It was common case that the appellant received a lump sum payment as a result of his redundancy on 8 October 2010. At that time his date of commencement was listed as 1 September 2005.

However, the appellant had commenced employment with the respondent on a part-time basis on 15 July 2003 and continued on that basis up to and including 31 August 2005. He then continued to work for the respondent on a full-time basis from 1 September 2005 until 8 October 2009 when he was made redundant. Through a genuine misunderstanding the payment of a redundancy lump sum was only made in respect of the full-time employment.

The Tribunal finds that his actual date of commencement with the respondent was 15 July 2003. Consequently, the Tribunal now awards the appellant an additional lump sum under the Redundancy Payments Acts, 1967 to 2007 based on the following:

Date of Birth: 18 October 1972
Date of Commencement: 15 July 2003
Date of Termination : 8 October 2009
Gross Weekly Wage: €650.00

(but deducting the lump sum payment in the amount of €5,532.00 reference no. 63222328J, which has already been paid to the appellant in September 2010, covering his employment from 1 September 2005 to his date of termination).

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

A statutory weekly ceiling of €600.00 applies to payments from the Social Insurance Fund

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

