

EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:

EMPLOYEE

- *Appellant*

WT406/2011

Against

EMPLOYER

- *Respondent*

under

CASE NO.

MN1126/2011

RP1352/2011

**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: Mr M. O'Connell B.L.

Members: Mr F. Cunneen
Mr G. Whyte

heard this appeal at Dublin on 29th February 2012

Representation:

Appellant: In Person

Respondent: No appearance

The decision of the Tribunal was as follows:-

The Tribunal is satisfied that the above named liquidator was appointed. The Tribunal is satisfied the liquidator received proper notification of the hearing.

As an appeal was lodged out of time there is an application before the Tribunal on behalf of the appellant to extend the time for bringing an appeal under the above Acts.

The Tribunal accepts that the appellant approached the liquidator in 2010 and filled out the relevant forms for his claim. The liquidator told the appellant at that time that he was trying to collect company records in order to process the outstanding payments due to him. The Tribunal received correspondence from the liquidator on 6th April 2011 confirming that employee records are unavailable. In the circumstances, applying S.12 (2) (b) of the Redundancy Payments Act, 1971 Act which amends section 24 of the Redundancy Payments Act, 1967, the Tribunal finds that there is reasonable cause for extending the time.

The appellant told the Tribunal that when his employment with the respondent company ended by text message he did not receive his minimum notice or payment in respect of his entitlement under the Redundancy Payments Acts 1967 to 2007. He was also due outstanding holidays amounting to one week.

Determination

Based on the uncontested evidence of the appellant the Tribunal finds that the appellant is entitled to a lump sum payment under the Redundancy Payments Acts 1967 to 2007 based on the following criteria:

Date of Birth:	29 th March 1966
Employment Commenced:	03 rd October 2006
Employment Ended:	26 th August 2009
Gross Weekly Pay:	€456.46

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

The Tribunal further awards the appellant €912.92 (two weeks pay) under the Minimum Notice and Terms of Employment Acts, 1973 to 2005 and €456.46 (one week pay) in respect of his holiday entitlement under the Organisation of Working Time Act, 1997.

Sealed with the Seal of the
Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)