

## EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:  
EMPLOYEE

CASE NO.  
RP287/2011, MN242/2011  
WT66/2011

against

EMPLOYER  
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 B.L.

Members: Mr D. Hegarty  
Mr J. Flavin

heard these claims at Tralee on 24th February 2012

### **Representation:**

Appellant: In person

Respondent : No representation listed

The decision of the Tribunal was as follows:

The respondent in this case was placed into liquidation on 10 December 2010. The Tribunal was told on the day of hearing that to date no liquidator has been appointed. Ms. F on behalf of the respondent told the Tribunal that the respondent was not contesting the claims made against it at this hearing.

The Tribunal, having satisfied itself on the circumstances of this case, finds that the claimant's employment ceased with the respondent without proper notice and by way of redundancy. Accordingly, the claim under the Redundancy Payments Acts, 1967 to 2007 is allowed and the claimant is awarded a statutory lump sum under those Acts based on the following:

Date of Birth: 29 January 1977  
Date of Commencement: 18 February 2008  
Date of Termination: 6 December 2010  
Gross Weekly Wage: €617.36

This award is made subject to the appellant having been in insurable employment under

the relevant Social Welfare Acts during the relevant period.

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

The claim under the Minimum Notice and Terms of Employment Acts, 1973 to 2005 succeeds and the appellant is awarded €1,234.72 such sum being equivalent to two weeks' gross pay in lieu of notice.

Since the claimant was not granted his annual leave entitlement under the Organisation of Working Time Act, 1997 the Tribunal awards him €2,469.44 under that Act.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

(Sgd.) \_\_\_\_\_  
(CHAIRMAN)

