

## EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:  
CASE NO.

EMPLOYEE - *Appellant*

RP3061/2010  
MN2215/2010  
WT1009/2010

Against

EMPLOYER - *Respondent*

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 P. McGrath BL  
Members: Mr M. Carr  
Mr O. Nulty

heard this appeal at Mullingar on 27th January 2012

### **Representation:**

Appellant(s) : Ms Noeleen Geraghty, Mark Cooney, Solicitors, 5 Garden Vale,  
Athlone, Co Westmeath

Respondent(s) : Ms. Catherine Day, Peninsula Business Services (Ireland) Limited,  
Unit 3 Ground Floor, Block S, East Point Business Park, Dublin 3

### **Preliminary Issue**

An application was made by the respondent's representative that the appeal was out of time. The Tribunal heard evidence from the appellant and finds that reasonable circumstances existed to extend the period for the appeal.

### **Determination**

The Tribunal has carefully considered the evidence adduced. The Tribunal heard the appellant state that the employer had let him go unexpectedly at the end of his shift on the 12<sup>th</sup> of February 2009.

There is no evidence that this employee was let go as a result of any disciplinary measure and

the appellant has asked the Tribunal to accept that he was let go by reason of a generally accepted downturn in the market and was, de facto, made redundant.

The employer had no records concerning the termination of the appellant's employment although conceded that minimum notice still had to be paid to the appellant.

Ultimately the Tribunal finds that there was no evidence to contradict the appellant's evidence and in the circumstances finds the appellant was made redundant on the 12th of February 2009. 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 July 1950
Employment commenced:	24 January 2005
Employment ended:	12 February 2009
Gross weekly pay:	€347.40

This award is made subject to the appellant having been in insurable employment under the Social Welfare Acts during the relevant period and subject to the weekly ceiling of €600 to all awards made from the Social Insurance fund.

The Tribunal awards the appellant €694.80 being the equivalent of two weeks pay, under the Minimum Notice and Terms of Employment Acts, 1973 to 2005.

The appellant waived the entitlements under the Organisation of Working Time Act, 1997.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

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