

EMPLOYMENT APPEALS TRIBUNAL

CLAIM(S) OF:
EMPLOYEE - first appellant

CASE NO.
UD390/2010
RP1119/2011
MN364/2010

and

EMPLOYEE - second appellant

UD396/2010
RP127/2012
MN368/2010

against

EMPLOYER

under

UNFAIR DISMISSALS ACTS, 1977 TO 2007
REDUNDANCY PAYMENTS ACTS, 1967 TO 2007
MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2005

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr. J. Sheedy

Members: Ms. M. Sweeney
Mr. O. Wills

heard this case in Cork on 18 February 2011 and 10 February 2012

Representation:

Claimant(s):

Ms Cliona Kenny, Ernest. J Cantillon & Co., Solicitors,
39 South Mall, Cork

Respondent(s):

No attendance or representation

The determination of the Tribunal was as follows:-

The claims under the Unfair Dismissals Acts, 1977 to 2007, and under the Minimum Notice and Terms of Employment Acts, 1973 to 2005, were not prosecuted to the end of the case.

Regarding redundancy, the first appellant (JI) claimed that his employment, which commenced on 6 July 2007, ended by reason of redundancy on 20 November 2009. His gross weekly pay was €663.60.

The second appellant (GL) claimed that his employment, which commenced on 14 July 2008, ended by reason of redundancy (when the respondent company ceased trading) on 31 January 2011 after he had been on lay-off (and still hoping to resume) from 21 November 2009. His gross weekly pay was €575.63.

No evidence was offered by or on behalf of the respondent to disprove the appellants' entitlement to redundancy lump sum payment awards.

Determination:

The claims under the Unfair Dismissals Acts, 1977 to 2007, and under the Minimum Notice and Terms of Employment Acts, 1973 to 2005, fall for want of prosecution.

Under the Redundancy Payments Acts, 1967 to 2007, the Tribunal finds that the first appellant is entitled to a redundancy lump sum based on the following details:

Date of birth:	25 April 1981
Date of commencement:	6 July 2007
Date of termination:	20 November 2009
Gross weekly pay:	€663.60

Under the Redundancy Payments Acts, 1967 to 2007, the Tribunal finds that the second appellant is entitled to a redundancy lump sum based on the following details:

Date of birth:	10 June 1979
Date of commencement:	14 July 2008
Date of termination:	31 January 2011
Gross weekly pay:	€575.63

In the case of the second appellant there was a period of non-reckonable service from 21 November 2009 to 31 January 2011.

Note:

Payments from the Social Insurance Fund are limited to a maximum of €600.00 per week.

These awards are made subject to the appellants having been in insurable employment under the Social Welfare Acts during the relevant period.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

