

EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:

CASE NO.

EMPLOYEE

RP1207/2010

against
EMPLOYER

under

REDUNDANCY PAYMENTS ACTS, 1967 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Dr. A. Courell B.L.

Members: Mr. D. Morrison
Mr. M. McGarry

heard this appeal at Castlebar on 30th January 2012

Representation:

Appellant:

Mr. Brendan Boyle, Citizens Information Centre,
Unit 5 Cualgara, Teeling Street, Ballina, Co Mayo

Respondent:

Thomas J Walsh, Solicitor, Main Street, Castlebar, Co Mayo

Appellant's case

The claimant commenced employment with the respondent on 11th April 2005. He was given written notice of redundancy on 17th April 2009 and finished up on 8th May 2009.

On 8th May 2009 the claimant asked for his redundancy lump sum and was told by the respondent that he would pay this to him when the appellant returned from his holidays. However on his return from holidays the claimant received a phone call from the respondent informing him that there was further work available for him. This work only lasted 3 days and the appellant never received his redundancy lump sum.

Respondent's case

The respondent confirmed that he had given the appellant written notice of redundancy effective from 8th May 2009. The respondent told the appellant that he would take him back if more work became available. Shortly after this another employee became ill and the respondent offered this work to the appellant. The respondent believed that this return to work would be for

at least six months. However, when the respondent told the appellant that he was not now entitled to a redundancy lump sum the appellant told him that he had to get this payment and that he had another job to go to.

Determination

Having considered the evidence adduced the Tribunal awards the applicant a lump sum redundancy payment under the Redundancy Payments Acts, 1967 to 2007 based on the following criteria.

DOB	12 th June 1969
Commencement Date	11 th April 2005
Date notice received	17 th April 2009
Termination date	6 th May 2009
Gross pay	€542.00 per week

This award is made subject to the claimant having been in insurable employment, during the relevant period, in accordance with the Social Welfare Acts.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)