

## EMPLOYMENT APPEALS TRIBUNAL

**APPEAL OF:**  
EMPLOYEE  
- *Appellant*

**CASE NO.**  
RP267/2011  
MN225/2011

Against

- EMPLOYER
- *Respondent*

under

### **MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2005 REDUNDANCY PAYMENTS ACTS, 1967 TO 2007**

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Mr. P. O'Leary B L

Members: Mr D. Moore  
Mr F. Barry

heard this appeal at Dublin on 26th March 2012

#### **Representation:**

Appellant: In person

Respondent: No appearance

The decision of the Tribunal was as follows:-

There was no appearance by the respondent or a representative on their behalf at the hearing on 26<sup>th</sup> March 2012.

The Tribunal heard evidence from the appellant who explained that she commenced working for the respondent company on 21<sup>st</sup> November 2004. Her employment with the respondent company ended on 21<sup>st</sup> March 2010 by reason of redundancy.

On 21<sup>st</sup> May 2008 the appellant took a career break which was authorised by her manager, RS. She never broke her contract with the respondent nor did she receive a P45. When she returned to work in November 2008 she returned to her same position with the same benefits. She also received her fourth year pay increase.

When her employment ended on 21<sup>st</sup> March 2010 the appellant submitted a claim to the Department of Enterprise, Trade and Employment for payment of her statutory redundancy. This claim was refused because the information provided by the respondent company stated that

her date of commencement was November 2008, when she returned from her career break.

**Determination**

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

Date of Birth:	06 <sup>th</sup> October 1988
Date of commencement:	21 <sup>st</sup> November 2004
Date of Termination:	21 <sup>st</sup> March 2010
Gross Pay:	€254.10

The appellant is also entitled to €1,016.40 (4 weeks pay), less €46.22 already received, under the Minimum Notice and Terms of Employment Acts, 1973 to 2005.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

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