APPEALS OF: CASE NO.

EMPLOYEE   RP3298/2010
                                                                MN2386/2010
                                                                WT1076/2010

against
EMPLOYER

under

**MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2005
ORGANISATION OF WORKING TIME ACT, 1997
REDUNDANCY PAYMENTS ACTS, 1967 TO 2007**

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr. D. Mac Carthy S C
Members: Mr. D. Winston
                 Mr. F. Keoghan

heard this appeal at Dublin on 23rd February 2012

Representation:

Appellant: Eamonn Woods, Union of Motor Trade, Technical & Industrial Employees,
                 27 South Frederick Street, Dublin 2.

Respondent: Jason Byrne, Director.

Appellant's case

At the outset the appellant withdrew his claim under the Redundancy Payments Acts, 1967 to 2007 as he had already been paid this through the Social Insurance Fund.

The appellant was employed by the respondent for 26 years and received notice of only one day. He was therefore claiming the balance of his statutory minimum notice ie. 7.8 weeks.

The appellant stated that the leave year began on 1st January each year and had only taken 5 days leave up to the date of redundancy (17th September 2010). At the date of redundancy the appellant was earning €897.50 gross per week.

Respondent's case

The witness for the respondent agreed with the evidence of the appellant and confirmed that the respondent was no longer trading but had not appointed a liquidator.

Determination

Having considered the evidence adduced the Tribunal finds that the appellant was not paid his full statutory entitlements to minimum notice and holiday pay. Accordingly the Tribunal awards him €7,000.50 under the Minimum Notice and Terms of Employment Acts, 1973 to 2005 and €1,795.00 under the Organisation of Working Time Act, 1997.

It should be noted that any payment made through the Social Insurance Fund is calculated based on maximum earnings of €600.00 per week.

Sealed with the Seal of the

Employment Appeals Tribunal

This   _____

(Sgd.) _____
    (CHAIRMAN)