

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:
EMPLOYEE -*Appellant*

CASE NO.
RP1778/2011

against

EMPLOYER -*Respondent*

under

REDUNDANCY PAYMENTS ACTS, 1967 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms D. Donovan B.L.

Members: Mr J. Hennessy
 Mr F. Dorgan

heard this appeal at Kilkenny on 27th February 2012

Representation:

Appellant: Mr. Phil Funchion, Noreside Resource Centre, 22 Vicar Street, Kilkenny

Respondent: In Person

The decision of the Tribunal was as follows:

The respondent conceded that the appellant's employment terminated by reason of redundancy. The dispute between the parties arose in relation to the calculation of the redundancy lump sum. The respondent had calculated the redundancy payment of €1,070 on the basis that the appellant was working one day per week at the time of the redundancy. It was the appellant's case that he was entitled to a redundancy lump sum based on a full week's wages.

In or around 16 March 2009, the respondent had to reduce the appellant to a four day week due to a downturn in business. The appellant asked that he would be reduced to three days rather than four days and the parties agreed on this. However, the appellant was subsequently reduced to a one day week in or around 16 October 2010. He remained working one day per week until he was informed by the respondent in February 2011 that his position was redundant.

The respondent confirmed that while the hours had suited the appellant for other reasons, the appellant had not sought the reduction in hours.

Determination:

The Tribunal is satisfied from the evidence presented that the appellant's redundancy lump sum payment should be calculated on the basis of a full week's wages due to the fact that he was on short-time for a period of less than one year.

Accordingly, the Tribunal finds that the appellant's lump sum payment under the Redundancy Payments Acts, 1967 to 2007, should be based upon the following criteria:

Date of Birth:	23 September 1980
Date of Commencement:	24 April 2006
Date of Termination:	19 February 2011
Gross Weekly Pay:	€567.50

The Tribunal notes that the appellant has received the sum of €1,070 by way of redundancy payment.

This award is made subject to the appellant 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)