

EMPLOYMENT APPEALS TRIBUNAL

APPEALS OF:

CASE NO.

EMPLOYEE

RP250/2011

MN208/2011

WT55/2011

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: Dr. A. Courell B.L.

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

heard this appeal at Castlebar on 9th March 2012

Representation:

Appellant:

Ms. Teresa O'Sullivan, Citizens Information Centre,
Cavendish House, Link Road, Castlebar, Co Mayo

Respondent:

The respondent in person

Appellant's case

The appellant stated that she commenced employment with the respondent on 26th March 2004 and was let go when the business closed down on 7th July 2010. At the time of termination of employment the appellant was being paid €202.50 gross per week and was working a 3 day week. The appellant did not receive any payment from the respondent in respect of a lump sum redundancy payment.

The appellant was paid for 3 days holidays in May 2010 and was not paid in lieu of the balance due to her. She was given only one weeks notice of redundancy and was therefore claiming a further two weeks pay in lieu of this.

Respondent's case

The respondent apologised to the Tribunal and the appellant for his tardiness and did not oppose the appellant's entitlement to a redundancy lump sum. However he stated that he is unable to pay this due to financial constraints.

The respondent accepted that the appellant was only given one weeks notice of redundancy. He could not recall if the appellant was paid her full holiday allowance and had no records in relation to this, nor did he issue pay slips to the appellant.

Determination

Having considered the evidence adduced the Tribunal awards the appellant €202.50 in respect of holiday pay under the Organisation of Working Time Act, 1997 and €607.50 under the Minimum Notice and Terms of Employment Acts, 1973 to 2005 together with a lump sum redundancy payment under the Redundancy Payments Acts, 1967 to 2007 based on the following criteria.

DOB	15 th November 1977
Commencement Date	26 th March 2004
Date notice received	N/A
Termination date	7 th July 2010
Gross pay	€202.50 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)