

**EMPLOYMENT APPEALS TRIBUNAL**

APPEALS OF:

CASE NO.

EMPLOYEE

RP679/2011

WT189/2011

MN529/2011

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

heard this appeal at Castlebar on 8th March 2012

Representation:

Appellant:  
The appellant in person

Respondent:  
No appearance by or on behalf of the respondent

**There was no appearance by or on behalf of the respondent and the Tribunal is satisfied that she was properly notified of the hearing.**

**Appellant's case**

The appellant stated that she commenced employment with the respondent on 6<sup>th</sup> June 2006 and was let go when the business closed down on 22<sup>nd</sup> December 2010. At the time of termination of employment the appellant was being paid €213.75 gross per week. The appellant did not receive any payment from the respondent in respect of a lump sum redundancy payment.

The appellant was absent from work due to illness from 10<sup>th</sup> August 2010 and was in receipt of

Illness Benefit from that date and was still in receipt of this at the date of the hearing. She also stated that she had received all holiday pay due to her.

### **Determination**

Having considered the uncontested evidence of the appellant the Tribunal finds that she was not available for work during the period of notice and is not entitled to payment in lieu of such notice. Therefore the appeal under the Minimum Notice and Terms of Employment Acts, 1973 to 2005 is dismissed.

The appellant was paid any holidays due to her and therefore the claim under the Organisation of Working Time Act, 1997 is dismissed.

The Tribunal awards the appellant a lump sum redundancy payment under the Redundancy Payments Acts, 1967 to 2007 based on the following criteria.

DOB	24 <sup>th</sup> May 1964
Commencement Date	6 <sup>th</sup> June 2006
Date notice received	N/A
Termination date	22 <sup>nd</sup> December 2010
Gross pay	€213.75 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)