

EMPLOYMENT APPEALS TRIBUNAL

CLAIM OF:
EMPLOYEE -*Claimant*

CASE NO

MN1027/2011

against

EMPLOYER -*Respondent*

under

MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2005

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:

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

Respondent: An employee of the company.

The decision of the Tribunal was as follows:

The claimant's employment commenced on 31 March 1979. An RP50 document was opened to the Tribunal. Both the claimant and the representative for the company had signed the document.

It was the claimant's case that he was placed on lay-off during December 2010. He returned to work for a period of one week before again being placed on lay-off. In addition the claimant was owed outstanding wages from before the lay-off period in December. The claimant and 15 other employees attended at the respondent's yard on 22 January 2011 to enquire about the situation in relation to wages. On that date they were informed that their positions were redundant. The claimant accepted that he was subsequently paid up until that date.

The claimant's case was disputed by the representative for the respondent. It was the respondent's case that a meeting was held with all of the employees on 17 January 2011 at which they were informed that the company had an issue paying outstanding wages. The employees were also informed of a further two week lay-off period.

Determination:

The Tribunal finds that the claimant is entitled to the sum of €5,360.96 (being the equivalent of eight weeks' gross pay) under the Minimum Notice and Terms of Employment Acts, 1973 to 2005. In reaching this decision the Tribunal notes that the respondent company completed the date of termination on the RP50 document as 22 January 2011. This concurred with the claimant's evidence.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____

(CHAIRMAN)