

EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:
EMPLOYEE

CASE NO.
RP344/2011, MN286/2011
WT78/2011

against

EMPLOYER

Under

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

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms K. T. O' Mahony B.L.

Members: Mr D. Hegarty
Mr J. Flavin

heard this appeal at Tralee on 24th February 2012

Representation:

Appellant : Mr Mike Harper, Kenmare Citizens Information Centre,
Bell Height, Kenmare, Co Kerry

Respondent : No representation listed

The decision of the Tribunal was as follows:

The Tribunal is satisfied that the respondent was properly notified of this hearing.
Neither the respondent nor a representative on his behalf appeared for this hearing.

Having heard and considered the submission the Tribunal finds that the appellant's employment with the respondent was terminated by way of redundancy. Accordingly, the appeal under the Redundancy Payments Acts, 1967 to 2007 is allowed and the appellant is awarded a statutory lump sum under those Acts based on the following:

Date of Birth: 07 January 1979
Date of Commencement: 01 April 1997
Date of Termination: 05 February 2010
Non Reckonable Service: 5 July 2009 to 31 October 2009 by reason of lay-off.
Gross Weekly Wage: €725.40 based on the ERO effective at the time

This award is made subject to the appellant having been in insurable employment under the Social Welfare Acts during the relevant period.

A weekly statutory ceiling of €600.00 applies to payments under the Redundancy Payments Acts.

The appeal under the Minimum Notice and Terms of Employment Acts, 1973 to 2005 succeeds and the appellant is awarded €4,352.40 as compensation under those Acts.

The appeal under the Organisation of Working Time Act, 1997 is allowed and the appellant is awarded €2,176.20 as compensation for outstanding entitlements under those Acts.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)