

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:
EMPLOYEE – *appellant*

CASE NO.
RP2914/2010
MN2119/2010
WT959/2010

Against

EMPLOYER – *respondent*

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 C. Egan B.L.

Members: Mr T. Gill
Ms H. Henry

heard this appeal at Galway on 1st March 2012

Representation:

Appellant(s): Ms Roisin Burke
Catherine Murphy & Co.
Solicitors
Headford, Co. Galway

Respondent(s): Ms Fiona O'Connor
Tom Smyth & Associates
61 St Marys Road, Middleton, Cork

The decision of the Tribunal was as follows:-

The respondent's representative explained that a redundancy situation occurred in relation to the appellant's position. The representative conceded the appeal under the Redundancy Payments Acts, 1967 to 2007 and that the appellant was owed pay in respect of 30 hours' work under the Organisation of Working Time Act, 1997. The representative disputed that the appellant was entitled to a payment under the Minimum Notice and Terms of Employment Acts, 1973 to 2005, as he had served his employer with a RP9 form.

Determination:

The Tribunal is satisfied that a redundancy situation occurred and that the appellant is entitled to a redundancy lump sum payment under the Redundancy Payments Acts, 1967 to 2007, based on the following information:

Date of Birth: 20th December 1966
Date of Commencement: 1st December 2004
Date of Termination: 25th June 2010
Weekly Gross Pay: €443.61

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

The Tribunal awards the appellant €1,774.44 (one thousand, seven hundred and seventy-four euro, forty-four cent) in respect of four weeks' pay under the Minimum Notice and Terms of Employment Acts, 1973 to 2005.

The Tribunal awards the appellant €341.10 (three hundred and forty-one euro, ten cent) in respect of 30 hours' pay under the Organisation of Working Time Act, 1997

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)