

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:
EMPLOYEE -*Appellant*

CASE NO.
RP3138/2010
MN2276/2010
WT1037/2010

against
EMPLOYER (In Liquidation) –*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: Mr D. MacCarthy S C

Members: Mr J. Hennessy
 Mr F. Dorgan

heard this appeal at Wexford on 24th April 2012

Representation:

Appellant: In person

Respondent: No appearance or representation on behalf of the respondent

The decision of the Tribunal was as follows:

The appellant was dismissed by reason of redundancy when the respondent hotel did not re-open in spring 2011.

The appellant is entitled to a redundancy payment based on:

Date of Birth:	2 February 1954
Service from:	26 August 1974 to 14 March 2010
Non-reckonable service:	14 November 2007 to 14 March 2008 14 November 2008 to 14 March 2009 14 November 2009 to 14 March 2010
Normal weekly remuneration:	€435.00
Amount of redundancy payment:	€30,519.60

This award is subject to the appellant having been in employment which is insurable for all purposes under the Social Welfare Consolidation Act 2005.

The Tribunal finds that the appellant is entitled to the sum of €3,480 (this being the equivalent of eight weeks pay) under the Minimum Notice and Terms of Employment Acts, 1973 to 2005.

The claim for holiday pay under the Organisation of Working Time Act, 1997 is withdrawn.

Sealed with the Seal of the
Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)