

## EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:  
EMPLOYEE                    *-Appellant*

CASE NO.  
RP3269/2010

against

EMPLOYER                    *-Respondent*

under

### REDUNDANCY PAYMENTS ACTS, 1967 TO 2007

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Ms V. Gates

Members: Mr W. Power  
              Mr S. O'Donnell

heard this appeal at Dublin on 19th April 2012 and 14th June 2012

#### **Representation:**

Appellant: In Person

Respondent    Griffin & Associates, Accountant, 56 Main Street, Rathfarnham, Dublin 14  
                    was present at the hearing on the 19<sup>th</sup> April 2012.

There was no appearance or representation on behalf of the respondent on the 14<sup>th</sup> June 2012.

#### **The determination of the Tribunal was as follows:**

Representation on behalf of the respondent conceded that the appellant's employment terminated by reason of redundancy but disputed that the redundancy should be calculated on a full week's wages as the appellant was working reduced hours from the 14<sup>th</sup> January 2009.

The appellant stated that his redundancy payment should be based on a full week's wages.

**Determination:**

The Tribunal accepts the oral evidence of both parties, albeit in the absence of documentary evidence of earnings, that the appellant's lump sum should be based on a full week's wage as his reduced hours commenced on the 14<sup>th</sup> January 2009 and terminated on the 8<sup>th</sup> January 2010, being less than the 52 week period provided for by S. 15 of the 1967 Act and as amended by S.11 of the Redundancy Payments Acts, 1967 to 2007.

The Tribunal finds that the lump sum payment should therefore be calculated on the following criteria:

Date of Birth:	13 <sup>th</sup> March 1950
Date of Commencement:	15 <sup>th</sup> April 1998
Date of Termination:	8 <sup>th</sup> January 2010
Gross Weekly Pay:	€800.00

It should be noted that payments from the social insurance fund are limited to a maximum of €600.00 per week.

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

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

(Sgd.) \_\_\_\_\_  
(CHAIRMAN)