

EMPLOYMENT APPEALS TRIBUNAL

APPEALS OF:

CASE NO.

EMPLOYEE

RP1292/2011

WT391/2011

MN1079/2011

against

EMPLOYER

under

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

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr. T. Ryan

Members: Mr. M. Carr

Mr. O. Nulty

heard this appeal at Mullingar on 23rd March 2012

Representation:

Appellant:

Co Westmeath Citizens Information Service, Market Square, Mullingar, Co Westmeath

Respondent:

No appearance by or on behalf of the respondent

There was no appearance by or on behalf of the respondent and the Tribunal is satisfied that they were properly notified of the hearing.

Appellant's case

The appellant stated that she commenced employment with the respondent on 1st December 2004 and was let go without notice when the business closed down on 5th August 2010. At the time of termination of employment the appellant was being paid €263.00 gross per week. For a few months before the appellant was made redundant she had been working reduced hours. This was not by her choice and she wanted to be returned to her normal working week, which was 30.5 hours. The appellant did not receive any payment from the respondent in respect of a lump sum redundancy payment.

The claimant was not paid for any holidays, including public holidays, for the two years preceding her redundancy.

Determination

Having considered the uncontested evidence of the appellant the Tribunal awards her €2,261.80 under the Organisation of Working Time Act, 1997 and €1,052.00 under the Minimum Notice and Terms of Employment Acts, 1973 to 2005 together with a lump sum redundancy payment under the Redundancy Payments Acts, 1967 to 2007 based on the following criteria.

| | |
|----------------------|-------------------------------|
| DOB | 5 th December 1980 |
| Commencement Date | 1 st December 2004 |
| Date notice received | N/A |
| Termination date | 5 th August 2010 |
| Gross pay | €263.00 per week |

This award is made subject to the claimant having been in insurable employment, during the relevant period, in accordance with the Social Welfare Acts.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)