

EMPLOYMENT APPEALS TRIBUNAL

APPEALS OF:

CASE NO.

EMPLOYEE

RP42/2011
MN21/2011

Against

EMPLOYER

under

MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2005 REDUNDANCY PAYMENTS ACTS, 1967 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr. R. Maguire, B.L.

Members: Mr. B. Kealy
Mr. S. O'Donnell

heard this appeal at Dublin on 1st March 2012

Representation:

Appellant:

SIPTU, Membership Information &, Support Centre, Liberty Hall, Dublin 1

Respondent:

The respondent in person

Appellant's case

The appellant stated that he commenced employment with the respondent on 29th July 2004 and was let go when the business closed down on 17th December 2009. At the time of termination of employment the appellant was being paid €339.00 gross per week. The appellant did not receive any payment from the respondent in respect of a lump sum redundancy payment.

Respondent's case

The respondents agreed with the evidence of the appellant and stated that they were unable to pay the appellant any redundancy.

Determination

Having considered the uncontested evidence of the appellant the Tribunal find that according to the appellant's own evidence he was paid by another employer during his notice period and is therefore not entitled to compensation under the Minimum Notice and Terms of Employment Acts, 1973 to 2005. This claim is therefore dismissed.

The Tribunal awards the appellant a lump sum redundancy payment under the Redundancy Payments Acts, 1967 to 2007 based on the following criteria.

DOB	N/A
Commencement Date	29 th July 2004
Date notice received	N/A
Termination date	17 th December 2009
Gross pay	€339.00 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)