

EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:
EMPLOYEE
- *Appellant 1*
EMPLOYEE
- *Appellant 2*

CASE NO.
RP1890/2011
MN1513/2011
RP1891/2011
MN1514/2011

Against

EMPLOYER
- *Respondent*

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: Ms O. Madden B.L.

Members: Mr J. Browne
Ms S. Kelly

heard this appeal at Portlaoise on 11th April 2012

Representation:

Appellant: Mr Alexander Rozek, Tallaght Enterprise Centre, Main Road, Tallaght, Dublin 24
Ms Iwona Rozek, Tallaght Enterprise Centre, Main Road, Tallaght, Dublin 24

Respondent: No appearance

The decision of the Tribunal was as follows:-

The claims under the Minimum Notice and Terms of Employment Acts, 197 to 2005 in respect of appellant 1 and appellant 2 were formally withdrawn at the outset of the hearing.

There was no appearance by or on behalf of the respondent at the hearing on 11th April 2012.

The appellants told the Tribunal that they were claiming their statutory entitlement under the Redundancy Payments Acts 1967 – 2007. They worked for the respondent company as roofers and on one occasion the job they were working on was cancelled due to weather conditions. They were told that they could not continue roofing in the snowy conditions and they would be contacted by the respondent when they were required to return to work.

They were placed on a period of lay off for approximately 5 months and during this time they went to the respondent on a regular basis to get various documents signed and enquire about available work. On each occasion they were told that there was no work available. They were also in receipt of social welfare entitlements while they were waiting on the continuation of the roofing work.

Both of the appellants received an RP50 form from the respondent but did not receive a lump sum payment.

Determination

Based on the uncontested evidence of appellant 1 and appellant 2 the Tribunal finds that they are both entitled to a redundancy lump sum payment based on the following criteria:

Appellant 1

Date of Birth: 28th April 1973
Date of Commencement: 01st January 2007
Date of Termination: 07th January 2011
Gross Pay: €500

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

Appellant 2

Date of Birth: 18th June 1974
Date of Commencement: 25th August 2008
Date of Termination: 07th January 2011
Gross Pay: €500

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

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)