

EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:
EMPLOYEE – *appellant*

CASE NO.
RP671/2011

against

EMPLOYER – *respondent*

under

REDUNDANCY PAYMENTS ACTS, 1967 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr P. O’Leary BL
Members: Mr F. Moloney
Mr G. Whyte

heard this appeal at Dublin on 26th June 2012

Representation:

Appellant: In person

Respondent: Mr Cormac Ó Ceallaigh of Cormac Ó Ceallaigh & Co. Solicitors,
Main Street, Ashford, Co. Wicklow

The determination of the Tribunal is as follows:

Appellant’s Case

The appellant gave evidence. He had worked for the respondent for many years. On 11 May 2009 he was put on a 3 day week. Then in January 2010 he was put on a 2 day week. The business closed a week early for Christmas. He was paid for the 2 days and was given holiday pay. The appellant was also expecting a bonus and when he pleaded with the respondent he was given extra money. The respondent said to him ‘see you in January’.

The appellant phoned the respondent on 6th January 2011 to see if he was to come back on the 10th. The respondent told him that there was no one in the shop and that he had to let the appellant go. The appellant called to the respondent on 11th January and was given his p.45. The respondent did not say that when the snow was gone there would be work for him again.

Respondent’s Case

The respondent gave evidence. On 7th December 2010 the appellant asked for all the pay he was due for December. The respondent paid him €400.00. The appellant asked for holiday pay and

the respondent paid it. The respondent told the appellant to close up because due to the snow the shop was doing no business. On 22nd December the appellant came looking for a bonus the respondent gave him money out of his own pocket. The respondent said that he would phone the appellant in January. He phoned the appellant on 5th January and told him there was no point in him coming to work but he would call the appellant when a job came in. He did not tell the appellant that he was laid off.

Determination

The Tribunal carefully considered the conflicting evidence adduced in this case. The Tribunal finds that a redundancy situation arose because the respondent did not have work for the appellant and was not in a position to continue paying him.

The appellant is awarded a redundancy lump sum, under the Redundancy Payments Acts 1967 to 2007: based on the following information:

Date of Birth	27 July 1976
Date Employment Began	28 September 2005
Date Employment Ended	11 January 2011
Gross Weekly Pay	€200.00

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)