

**EMPLOYMENT APPEALS TRIBUNAL**

CLAIM(S) OF:

EMPLOYEE-Appellant

CASE NO.

RP382/2011

UD326/2011

MN316/2011

WT97/2011

against

EMPLOYER-Respondent

under

**REDUNDANCY PAYMENTS ACTS, 1967 TO 2007**  
**UNFAIR DISMISSALS ACTS, 1977 TO 2007**  
**MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2005**  
**ORGANISATION OF WORKING TIME ACT, 1997**

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Mr D. Mac Carthy S. C.

Members: Mr R. Murphy  
Mr J. Maher

heard this claim at Dublin on 12th June 2012

Representation:

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Claimant: In person

Respondent: Mr Michael Kennedy, Byrne Wallace, Solicitors, 88 Harcourt Street, Dublin 2

The determination of the Tribunal was as follows:-

**Background**

The respondent company is a transport company with warehousing. In 2010 the company lost a contract that resulted in staff redundancies. The claimant worked in the garage where trucks were serviced and was given notice in writing in a letter dated 11<sup>th</sup> October 2010. He disputed his redundancy payment amount which was based on his weekly salary of €360.53 and maintained that his salary should include expenses which appeared on his payslip each week.

## **Determination**

On closer examination of the “expenses” which were to compensate the claimant for the use of his personal car for the service of the company, the Tribunal is of the view that some of that payment covered his out of pocket car expenses but that he made a small profit from it too.

We assess the “profit” element at €41 per week which we include in his “normal weekly remuneration” for the purposes of the Act.

The Tribunal determine that the total amount of the Redundancy payment should be an amount of €13,507.47. Credit is allowed for the amount of €12,128.23 already paid leaving a balance of €1,379.24 due to the claimant.

Claims under the Unfair Dismissals Acts, 1977 To 2007, the Minimum Notice and Terms of Employment Acts, 1973 to 2005 and the Organisation of Working Time Act, 1997 as dismissed.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

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

