

## EMPLOYMENT APPEALS TRIBUNAL

**APPEAL OF:**  
EMPLOYEE  
- *appellant*

**CASE NO.**  
RP313/2011  
MN266/2011

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:

Respondent: Mr. Matthew Burn, Burns Nowlan, Solicitors, 31 Main Street, Newbridge, Co. Kildare, on behalf of the respondent

The decision of the Tribunal was as follows:-

#### **Respondent's Case**

The respondent's representative told the tribunal that his client was out of the country and would not be attending the hearing. He told the Tribunal that the respondent previously dismissed the appellant in August 2008 and when the appellant was dismissed again on 4<sup>th</sup> June 2010 he did not have the required service to receive a redundancy payment under the Redundancy Payments Acts, 1967 to 2007. The respondent's representative provided the Tribunal with copies of P45's relevant to the appellant's employment.

#### **Appellant's Case**

The Tribunal heard evidence from the appellant who confirmed his dates of employment as per his T1A form. He then told the Tribunal that he commenced working with the respondent on 16<sup>th</sup> October 2006 and continued working for the respondent until his date of termination on 4<sup>th</sup> June 2010.

The appellant told the tribunal that there were no breaks in his employment. He was never placed on short time or lay off. He received two weeks unpaid holidays at Christmas time annually. When the appellant's employment ended he was told by his employer that there was no more work, was given his P45, and told to go to Social Welfare to register for unemployment benefit.

The appellant told the Tribunal that he did not receive his statutory minimum notice.

During cross examination the appellant told the Tribunal that he never received a contract of employment and disputed the document produced by the respondent's representative. The appellant did not agree that his employment with the respondent ended on 22<sup>nd</sup> August 2008 and started again on 26<sup>th</sup> March 2010.

### **Determination**

Based on the evidence adduced at the hearing the Tribunal finds that the appellant is entitled to a redundancy lump sum payment based on the following criteria:

Date of Birth:	17 <sup>th</sup> June 1972
Date of Commencement:	16 <sup>th</sup> October 2006
Date of Termination:	14 <sup>th</sup> June 2010
Gross Pay:	€366.94

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

The Tribunal awards the appellant €733.88 (two weeks pay) under the Minimum Notice and Terms of Employment (Information) Acts, 1973 to 2005.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

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