

EMPLOYMENT APPEALS TRIBUNAL

APPEALS OF:

CASE NO.

EMPLOYEE

RP5/2012

against
EMPLOYER

under

REDUNDANCY PAYMENTS ACTS, 1967 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr. S. Mahon
Members: Mr. W. O'Carroll
Mr. O. Nulty

heard this appeal at Edgeworthstown on 23rd July 2012

Representation:

Appellant:
Ms Eileen Kenny, County Longford Citizens Information Service,
Level One, Longford Shopping Centre, Longford

Respondent:
No appearance by or on behalf of the respondent

There was no appearance by or on behalf of the respondent and the Tribunal is satisfied that he was properly notified of the hearing.

Appellant's case

The appellant commenced employment with the respondent on 6th June 2000. From the 8th November 2010 to 14th February 2011 the appellant was on a short-time working arrangement. He was then returned to full time working from 15th February 2011. However the appellant then requested to be put back on a two day week due to personal circumstances. His terms of employment were then changed, by agreement with the respondent and the appellant returned to a two day working week from 7th March 2011. The appellant was earning €160.00 per week.

Subsequently, the appellant was put on Temporary lay-off from 6th September 2011. The appellant then gave notice of his intention to claim a redundancy lump sum by way of sending to the respondent a form RP9, duly completed at Part B and dated 15th November 2011. The respondent acknowledged receipt of this form and undertook to complete the necessary paper work. However no payment has been made to the appellant and he considers himself as having been made redundant.

Determination

Having considered the uncontested evidence of the appellant the Tribunal awards him a lump sum redundancy payment under the Redundancy Payments Acts, 1967 to 2007 based on the following criteria. The Tribunal is satisfied that the terms of employment of the appellant were changed at his own request some six months before termination of employment and therefore his normal gross pay was €160.00 per week based on a two day working week.

DOB	18 th January 1949
Commencement Date	6 th June 2000
Lay-off	6 th September 2011 to 15 th November 2011
Date notice received	N/A
Termination date	15 th November 2011
Gross pay	€160.00 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)