

## EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF: CASE NO.  
EMPLOYEE *appellant* RP1060/2011  
Against  
EMPLOYER  
*respondent*  
under

### REDUNDANCY PAYMENTS ACTS, 1967 TO 2007

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Ms N. O'Carroll-Kelly BL

Members: Mr W. Power  
Mr D. Thomas

heard this appeal at Dublin on 16th August 2012

Representation:

Appellant(s) Mr. Eoghan Ryan, Crumlin Citizens Information Centre,  
146 Sundrive Road, Crumlin, Dublin 12

Respondent(s): The respondent in person

The decision of the Tribunal was as follows:-

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

The respondent who is a barber told the Tribunal that the appellant commenced employment in 2005. She was a family friend and he treated her differently than the other employees. During her employment she left for three weeks and she then returned to work with the respondent. He told the appellant that business was not doing well and if something came up she should take it.

The appellant swore and cursed at him. The appellant told him that she was leaving and he told her she was not dismissed. He could not pay the appellant any more money.

The appellant telephoned his wife on the following Monday and requested her P45. He gave her three weeks' pay. The appellant gave him a form to sign which he signed. The appellant obtained work two weeks later and she took the customers that she had in the respondent with her. He did not replace the appellant.

In cross-examination he stated that he signed an RP50 form for the appellant and he signed lots

of forms for her.

The respondent's wife told the Tribunal that she received a telephone call from the appellant and she requested her P45. The respondent's wife was surprised and she told the appellant to talk to the respondent. She gave the appellant her P45.

### **Appellant's Case**

The appellant told the Tribunal that she finished work for the respondent on the 3<sup>rd</sup> September 2010. The respondent told her that she was going to have to look for another job. He told her she could not do ladies hair. She lost her reason with him, as she knew if she was out of work she had no money to pay her bills. He gave her two week's notice and she was not requested to work during her notice period.

She contacted the respondent for a P45 to enable her to claim benefit. She knew that the respondent had let her go. She told him that she needed an RP50 form and she requested the respondent to sign it. She received a telephone call from the respondent that he had no money to pay redundancy, she told him this would have to go through the system. She then sought advice. She commenced working a two day week on the 14<sup>th</sup> September 2009 for which she received €200.00 and prior to that she was on a three day week and she earned €300.00 per week.

In cross examination she stated that she asked the respondent if he was letting her go, she did not ask him for any more money. She denied that during her employment with the respondent she left to take up employment elsewhere and then returned to work for the respondent.

### **Determination**

There was a conflict of evidence in this case. On the evidence adduced the Tribunal finds that a redundancy situation existed and that the appellant is entitled to a redundancy lump sum payment under the Redundancy Payments Acts, 1967 to 2007 based on the following criteria:

Date of birth	16 <sup>th</sup> April 1971
Date employment commenced	16 <sup>th</sup> December 2005
Date employment ended	3 <sup>rd</sup> September 2010
Gross weekly pay	€200.00

This award is being 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)