

EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:
EMPLOYEE
- *Appellant*

CASE NO.
RP663/2011
WT187/2011
MN520/2011

Against

EMPLOYER
- *Respondent*

under

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

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr P. Hurley

Members: Mr J. Browne
Ms S. Kelly

heard this appeal at Portlaoise on 12th April 2012

Representation:

Appellant:

Respondent: In Person

The decision of the Tribunal was as follows:-

Appellant's case

The appellant told the Tribunal that he worked for the respondent from 2004 in a pub which was leased by the respondent. He received €500 wages per week. When the lease on the pub was finished the appellant was let go. He was told by the respondent that there may be some work available in the future in another pub but this never materialised.

During cross examination the appellant agreed that he was offered work in another pub but when he spoke to the bar man, DP, in that pub he was told that there was no work available. He explained that he also phoned the manager of the pub who confirmed that there was no work available.

Respondent's Case

The respondent told the Tribunal that the operation of the pub was being wound down because business was deteriorating. The respondent approached the appellant and his son and asked them if they wished to take over the lease on the pub. The appellant declined this offer. The respondent told the tribunal that he offered the appellant a job in another pub but he turned it down.

Determination

Based on the evidence of the appellant and the respondent the Tribunal finds that the appellant has established a case for redundancy insofar as when the lease on the pub ceased his job became redundant. There was no formal credible offer of alternative employment to the appellant.

The Tribunal carefully weighed all of the evidence given by the appellant and respondent in this case and the Tribunal's conclusion, based on the facts established, is 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:	7 th August 1944
Date of Commencement:	16 th August 2004
Date of Termination:	4 th July 2010
Gross Pay:	€500

This award is made subject to the appellant having been in insurable employment for the purposes of the relevant Social Welfare Acts.

The appellant received one week's notice of the termination of his employment from the respondent. The Tribunal finds that the appellant was entitled to four weeks notice in accordance with the Minimum Notice and Terms of Employment acts, 1973 to 2005 and awards the appellant €1,500, three week's pay under this Act.

As there was no evidence adduced in respect of the claim under the Organisation of Working Time Act, 1997, the claim under this act is dismissed.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)