

**EMPLOYMENT APPEALS TRIBUNAL**

APPEAL(S) OF:  
EMPLOYEE - first appellant

CASE NO.  
RP2213/2011  
MN1730/2011  
WT664/2011

and

EMPLOYEE - second appellant

RP2399/2011

against

EMPLOYER

and

EMPLOYER

under

**REDUNDANCY PAYMENTS ACTS, 1967 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. J. Revington SC

Members: Mr. J. Reid  
Ms. E. Brezina

heard this case in Dublin on 23rd August 2012

Representation:

\_\_\_\_\_

Appellant(s):  
No legal or trade union representation

Respondent(s):  
Mr. Noel Cullen, 78 Millview Lawns, Malahide, Co. Dublin

The decision of the Tribunal was as follows:-

The first appellant withdrew his appeal under the Redundancy Payments Acts, 1967 to 2007, and his claim under the Organisation of Working Time Act, 1997. However, he claimed that his employment had ended without the notice to which he was entitled. His gross weekly pay was € 734.85 but he had been on a three-day week when his employment had ended.

The second appellant claimed that her employment, which commenced on 12 February 2001, ended by reason of redundancy on 14 April 2011. Her gross weekly pay was €471.00.

No evidence was offered by the respondents to disprove the above claims although it was contended that the first appellant had kept a mobile phone for months after he had been let go due to lack of work.

**Determination:**

The Tribunal notes that the first appellant's appeal under the Redundancy Payments Acts, 1967 to 2007, and his claim under the Organisation of Working Time Act, 1997, were withdrawn.

Allowing the first appellant's claim under the Minimum Notice and Terms of Employment Acts, 1973 to 2005, the Tribunal awards him the sum of €3527.28 under the said legislation (this amount being equivalent to eight weeks' gross pay at the three-day week rate of 440.91 per week.

Under the Redundancy Payments Acts, 1967 to 2007, the Tribunal finds that the second appellant is entitled to a redundancy lump sum based on the following details:

Date of birth: 09 July 1960

Date of commencement: 12 February 2001  
Date of termination: 14 April 2011  
Gross weekly pay: €471.00

This award is 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)

