

EMPLOYMENT APPEALS TRIBUNAL

APPEALS OF:
EMPLOYEE *-appellant*

CASE NO.
RP650/2012
MN597/2012

against
EMPLOYER *-respondent*

under

REDUNDANCY PAYMENTS ACTS, 1967 TO 2007 MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2005

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr J. Lucey

Members: Mr G. Andrews
Mr O. Wills

heard this appeal at Tralee on 31st July 2012

Representation:

Appellant: Joanne Williams B.L. instructed by
Daly, Foran & Associates, Solicitors, 23 Rock Street, Tralee, Co Kerry

Respondent: No appearance or representation on behalf of the respondent

This determination should be read in conjunction with **UD2310/2010** where the appellant is appealing decisions from the Rights Commissioner under the Unfair Dismissals Acts 1977 to 2007 and the Organisation of Working Time Act 1997.

Appellant's Case

The appellant worked for the respondent as a construction operative. The respondent engaged in all types of construction work. The appellant was last paid on the 6th of February 2009. The respondent owner said 'see you on Monday' as normal. On Monday morning the appellant went to the normal location to be picked up for work but the respondent did not appear that day or the next day. The appellant called to the respondent's house but was told by his wife that he was not there. The appellant tried to phone the respondent but there was no answer. Up until that point work had been very slow. As there was no work available the appellant hadn't started work after the Christmas break until the 19th of January. There had been very little work up until December before the Christmas break.

Determination

The Tribunal are satisfied that the respondent was properly on notice of this hearing. The Tribunal find that the appellant was dismissed by way of redundancy and therefore find that the appeal under the Redundancy Payments Acts 1967 to 1977 succeeds and award a redundancy lump sum based on the following criteria:

Date of birth:	04 January 1979
Date employment commenced	13 October 2006
Date employment ceased	06 February 2009
Gross weekly pay	€480.00

This award is made subject to the appellant having been in insurable employment during the relevant period under the Social Welfare Acts.

The appeal under the Minimum Notice and Terms of Employment Acts 1973 to 2005 succeeds and the Tribunal award €960.00 being the equivalent to 2 weeks' pay in lieu of notice.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)