

**EMPLOYMENT APPEALS TRIBUNAL**

APPEALS OF:

CASE NO.

EMPLOYEE

RP597/2011

WT160/2011

MN463/2011

against  
EMPLOYER

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. Wallace  
Members: Mr. G. Andrews  
              Mr. D. McEvoy

heard this appeal at Limerick on 28th September 2012

Representation:

Appellants:

Ms Joanne Lane, Micheál Glynn & Co, Solicitors, 98 O'Connell Street, Limerick

Respondent:

No appearance by or on behalf of the appellant

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

**Appellant's case**

The appellant stated that he commenced employment with the respondent on 9<sup>th</sup> May 2005 and was made redundant on 30<sup>th</sup> September 2010. He did not receive any notice of redundancy nor did he receive payment in lieu thereof. At the time of termination of employment the appellant was being paid €769.00 gross per week. The appellant did not receive any payment from the

respondent in respect of a lump sum redundancy payment.

The appellant had taken 8 days holidays since January 2010 and was due a further 7days for which she received no payment.

### **Determination**

Having considered the uncontested evidence of the appellant the Tribunal awards him €3,076.00 under the Minimum Notice and Terms of Employment Acts, 1973 to 2005 and €1,076.60 under the Organisation of Working Time Act, 1997 together with a lump sum redundancy payment under the Redundancy Payments Acts, 1967 to 2007 based on the following criteria.

DOB	11 <sup>th</sup> July 1973
Commencement Date	9 <sup>th</sup> May 2005
Date notice received	30 <sup>th</sup> September 2010
Termination date	30 <sup>th</sup> September 2010
Gross pay	€769.00 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.

It should be noted that any payment made through the Social Insurance Fund is calculated based on maximum earnings of €600.00 per week.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

(Sgd.) \_\_\_\_\_  
(CHAIRMAN)