

EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:

EMPLOYEE

- appellant

CASE NO.

RP1493/2011

Against

EMPLOYER

- respondent

under

REDUNDANCY PAYMENTS ACTS, 1967 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr. L. Ó'Cáthain

Members: Mr. J. Browne
Mr. F. Dorgan

heard this appeal at Waterford on 14th September 2012.

Representation:

Appellant: In person

Respondent: In person

The decision of the Tribunal was as follows:-

Determination:

The appellant's date of termination was 5th February 2010. The appellant submitted his T1A application form to the Tribunal on 20th May 2011. Appeals under the Redundancy Payments Acts, 1967 to 2007 must be submitted to the secretariat of the Employment Appeals Tribunal within fifty-two weeks of the appellant's date of termination. Appeals lodged after this period but within one hundred and four weeks from the date of dismissal may be considered, subject to the appellant demonstrating reasonable cause for the delay in furnishing the application within the time limit. The Tribunal is satisfied that reasonable cause existed in this case.

The appellant was placed on lay-off on 5th February 2010 and had hoped that he would return to work. At that time he was issued with a P45. The respondent had hoped to re-open a site but due to financial circumstances he was unable to do so. The appellant was the only employee employed by the respondent.

Given the circumstances the appellant had a legitimate expectancy of a return to work. This was not disputed by the employer. On that basis the Tribunal finds that the appellant is entitled to a redundancy payment under the Redundancy Payments Acts, 1967 to 2007 based on the following criteria:

| | |
|----------------------|--------------------------------|
| Date of Birth: | 16 th December 1958 |
| Date of Commencement | 1 st June 2004 |
| Date of Termination: | 5 th February 2010 |
| Gross weekly wage: | €662.70 |

It should be noted that a weekly ceiling of €600.00 currently applies to payments from the Social Insurance Fund.

This award is made subject to the appellant having been in employment, which is insurable for all purposes under the Social Welfare Consolidation Act, 2005.

Sealed with the Seal of the
Employment Appeals Tribunal

This _____
(Sgd.) _____
(CHAIRMAN)