

**EMPLOYMENT APPEALS TRIBUNAL**

CLAIM OF:  
EMPLOYEE

CASE NO.  
UD1769/2011, RP2308/2011

against

EMPLOYER

Under

**UNFAIR DISMISSALS ACTS, 1977 TO 2007**  
**REDUNDANCY PAYMENTS ACTS, 1967 TO 2007**

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Mr. P. O'Leary B L  
Members: Mr E. Handley  
Mr P. Trehy

heard this claim at Dublin on 27th September 2012

**Representation:**

Claimant : Mr. Blazej Nowak, Polish Consultancy Enterprise, 107 Amiens Street, Dublin 1  
Respondent : No representation listed

The claim under the Unfair Dismissals Acts, 1977 to 2007 was withdrawn prior to this hearing.

The determination of the Tribunal was as follows:

Having heard and considered the submissions from both parties the Tribunal finds that the appellant's employment terminated with the respondent by way of redundancy. The appellant was placed in a lay-off situation in late November 2010. In January 2011 he wrote to the respondent seeking thirteen continuous weeks' work or to be made redundant. The respondent was unable to adhere to that request and resisted it.

In allowing the appeal under the Redundancy Payments Acts, 1967 to 2007 the Tribunal notes that the respondent was unable to guarantee thirteen weeks continuous service thus effectively creating the conditions for the appellant to consider himself redundant. The appellant is awarded a statutory lump sum under the above Acts, based on the following:

Date of Birth: 05 October 1979  
Date of Commencement : 09 January 2008  
Date of Termination: 03 February 2011  
Non-recognisable Service: 14 February 2008 to 20 February 2008 and  
27 November 2010 to 03 February 2011  
Gross Weekly Wage: €342.00

This award is made subject to the appellant having been in insurable employment under the

appropriate Social Welfare Acts during the relevant period.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

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

