

**EMPLOYMENT APPEALS TRIBUNAL**

APPEAL(S) OF:  
EMPLOYEE            *-appellant*

CASE NO.  
RP1163/2011  
WT345/2011

against

EMPLOYER *-respondent*

under

**REDUNDANCY PAYMENTS ACTS, 1967 TO 2007  
ORGANISATION OF WORKING TIME ACT, 1997**

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Mr N. Russell

Members: Mr J. Browne  
              Mr F. Dorgan

heard this appeal at Wexford on 11th October 2012

**Representation:**

Appellant:

Respondent: In Person

**The decision of the Tribunal was as follows:**

There was a conflict of evidence in this case between the appellant and the respondent.

It was the appellant's evidence that the employer informed him on the 9th April 2010 that there was no further work. He subsequently received letters from the employer to this effect. He refuted the respondent's case that he was offered a three day week.

It was the respondent's case that there was work three days per week for the appellant but that the appellant chose to leave the employment rather than accept this offer of work. The letters that issued to the appellant were at his request and for other purposes.

The appellant stated that he was owed holiday pay. This was not disputed by the respondent.

**Determination:**

Considering the totality of the evidence adduced and documentation placed before the Tribunal, it is satisfied that, in this instance, the appellant was made redundant. Of considerable evidential value in this regard were the employer's letters to the appellant of the 9<sup>th</sup> of April 2010, 23<sup>rd</sup> April 2010, and 21<sup>st</sup> July 2010 which were, in the opinion of the Tribunal, capable of being interpreted only as clearly indicating that the appellant's employment was terminated by way of redundancy.

Accordingly, the Tribunal finds that the appellant is entitled to a lump sum payment under the Redundancy Payments Acts, 1967 to 2007, based on the following criteria:

Date of Birth:	4 June 1964
Date of Commencement:	26 November 2003
Date of Termination:	23 April 2010
Gross Weekly Pay:	€630.00

It should be noted that payments from the social insurance fund are limited to a maximum of €600.00 per week.

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

The appellant is also awarded the sum of €882.00 being the equivalent of seven days' gross pay under the Organisation of Working Time Act, 1997.

Sealed with the Seal of the  
Employment Appeals Tribunal

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