

## EMPLOYMENT APPEALS TRIBUNAL

CLAIMS OF:  
EMPLOYEE

*-claimant*

CASE NO.  
UD2137/2010  
RP2891/2010  
MN2094/2010  
WT951/2010

against

EMPLOYER

*-respondent*

under

### UNFAIR DISMISSALS ACTS, 1977 TO 2007 REDUNDANCY PAYMENTS ACTS, 1967 TO 2007 MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2005 ORGANISATION OF WORKING TIME ACT, 1997

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Mr. J. Smith

Members: Mr M. Carr  
Mr J. Flannery

heard this claim at Cavan on 21st March 2012

#### **Representation:**

\_\_\_\_\_

Claimant:

Respondent: No appearance or representation on behalf of

#### **Claimant's Case**

The claimant gave evidence of his redundancy and lack of notice. There was other staff made redundant at the same time as the claimant. One of the claimant's friends rang him and told him, 'it was the end of the factory.' The claimant was unaware that redundancy was a prospect and the respondent did not use correct procedures in effecting the redundancy. The claimant gave evidence of his outstanding holiday entitlement.

#### **Determination**

Having heard the evidence adduced and having regard to all the circumstances the Tribunal determines that the claimant was dismissed by reason of redundancy. Accordingly the claim under the Unfair Dismissals Acts, 1977 to 2001, fails.

The claim under the Redundancy Payments, Acts, 1967 to 2007 succeeds and the Tribunal award the claimant a redundancy lump sum payment based on the following criteria:

Date of Birth: 25<sup>th</sup> July 1982  
Date of Commencement: 15<sup>th</sup> October 2006  
Date of Termination: 16<sup>th</sup> March 2010  
Gross Weekly Pay: €332.33

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

The Tribunal award the claimant €664.66 being the equivalent to two weeks' notice under the Minimum Notice and Terms of Employment Acts 1997 to 2005.

The Tribunal find that the claim under the organisation of Working Time Act 1997 succeeds and awards the claimant €332.33 being the equivalent to one week's holiday pay.

Sealed with the Seal of the  
Employment Appeals Tribunal

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