

EMPLOYMENT APPEALS TRIBUNAL

CLAIMS OF:

CASE NO.

EMPLOYEE - **Claimant**

UD1067/2011

RP1422/2011

MN1178/2011

WT438/2011

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 M. Gilvarry

Members: Mr D. Morrison
Ms A. Moore

heard these claims at Sligo on 1 October 2012

Representation:

Claimant:

Mr Pat Dwyer BL instructed by Ms Claire Keaney,
Keaney & Company Solicitors, 2 The Coach House,
Slane, Co. Meath

Respondents:

Mr Barry Creed, McDermott Creed & Martyn Solicitors,
Constitutional Buildings, Stephen Street, Sligo

The determination of the Tribunal was as follows:

Determination:

At the outset the claim under the Unfair Dismissals Acts, 1977 to 2007 was withdrawn. The respondent then conceded liability under the remaining Acts under which the claimant had sought relief.

Being satisfied that the claimant was dismissed by reason of redundancy the Tribunal finds that the claimant is entitled to a lump sum payment under the Redundancy Payments Acts, 1967 to 2007 based on the following criteria

Date of Birth	9 December 1969
Employment commenced	1 February 2002
Employment ended	5 November 2010
Gross weekly pay	€911-25

There was a period of non-reckonable service from 1 March 2010 until 8 October 2010 by reason of illness in excess of 26 weeks. This award is made subject to the appellant having been in insurable employment under the Social Welfare Consolidation Act, 2005 during the relevant period. It should be noted that payments from the social insurance fund are limited to a maximum of €600-00 per week.

Loss having been established the Tribunal further awards €3,645-00, being four week's pay, under the Minimum Notice and Terms of Employment Acts, 1973 to 2005.

The Tribunal also awards €4,556-25, being the equivalent of five weeks' pay, under the Organisation of Working Time Act, 1997 in respect of unpaid annual leave.

Sealed with the Seal of the
Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)