

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:

CASE NO.

EMPLOYEE - *appellant*

RP1124/2011

Against

EMPLOYER - *respondent*

under

REDUNDANCY PAYMENTS ACTS, 1967 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr. D. Mac Carthy S C

Members: Mr J. Horan
Mr M. O'Reilly

heard this appeal at Dublin on the 15 August 2012 and the 6 November 2012

Representation:

Appellant(s) :

Mr Robert Stephens, Stephens & Co, Solicitors, Deanstown House,
Main Street, Blanchardstown, Dublin 15

Respondent(s) : In person

Determination

At the commencement of the hearing on the 15 August 2012 it was agreed that the Limited company was the correct respondent and JM was removed as a respondent. JM attended the hearing on behalf of the respondent as a former director. He was a director at the time of the appellant's employment ending. JM claimed the appellant was not made redundant but left of his own accord to take up employment elsewhere. JM provided no evidence of the appellant taking up employment.

The appellant denied taking up employment with another employer. A letter dated the 6 July 2010 addressed to the appellant and signed by JM on the headed paper of the respondent company was submitted as evidence. The letter stated "due to a decrease in the number of contracts, I regret to inform you that you are being given a weeks notice as and from today the 6 July 2010".

The Tribunal adjourned until the 6 November 2010 to allow both parties provide further evidence.

The Tribunal is satisfied that all parties were on notice of the resumed hearing date. As there was no appearance by or on behalf of the respondent at the resumed hearing and based on the uncontested evidence the Tribunal find that the appellant was dismissed by reason of redundancy. The Tribunal awards the appellant a redundancy lump sum payment based on the following:

Date of Birth:	30 June 1953
Service from:	22 April 2002 to 6 July 2010
Normal weekly remuneration:	€335
Non-reckonable service:	None
Amount of redundancy payment:	€5835.70

The award made under the Redundancy Payments Acts, 1967 to 2007 are made subject to the appellant having been in insurable employment under the Social Welfare Consolidation Act, 2005 during the relevant period.

Sealed with the Seal of the
Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)