

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:
EMPLOYEE – *appellant*

CASE NO.
RP2205/2011

against
EMPLOYER - *respondent*

under

REDUNDANCY PAYMENTS ACTS, 1967 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms N O'Carroll-Kelly BL

Members: Mr A O'Mara
Mr O Nulty

heard this appeal at Drogheda on 20th November 2012

Representation:

Appellant(s): Ms Donna Campbell
Citizens Information Centre
4 Adelphi Court, Longwalk, Dundalk, Co Louth

Respondent(s): REP

The decision of the Tribunal was as follows:-

Determination:

The appellant stated that he worked for at the respondent hotel since July 2008. He stated that in February 2010 his hours began to reduce and that by the end of February his name disappeared off the roster. He regularly went into the hotel to check the roster but his name was not on it. He made enquires as to why he was getting no work but never received a satisfactory response. He was simply told that there was a decline in business. Eventually he served an RP9 form on the respondent company. The respondent company ignored it. In August, 2011 he served a RP77 form on the respondent company. The respondent company ignored that too. On 18 August 2011 he filed a T1A form with the Tribunal.

The respondent company did not file a T2 form with Tribunal.

The respondent company's representative stated when cross examining the appellant that the company had put the claimant on lay off, but he was unable to state the period of lay off when asked by the Tribunal. Furthermore, he was unable to produce an RP9 form or any

documentary evidence to corroborate that allegation.

The representative alleged that the company called the appellant on several occasions requesting that he attend for work but was unable to give any guidance as to when these calls were made and by whom they were made. No documentary evidence was produced in relation to the respondent company's alleged attempts to get the appellant to attend for work.

The respondent company did not call any evidence and did not produce any supporting documentation.

The appellant's evidence stands uncontroverted.

The Tribunal is satisfied that a redundancy situation occurred and that the appellant is entitled to a redundancy lump sum payment under the Redundancy Payments Acts, 1967 to 2007, based on the following information:

Date of Birth:	27 July 1983
Date of Commencement:	12 July 2008
Date of Termination:	12 July 2011
Weekly Gross Pay:	€386.57

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

Sealed with the Seal of the
Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)