

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:
EMPLOYEE 1- first appellant

CASE NO.
RP2675/2011
MN2118/2011
WT839/2011

and

EMPLOYEE 2 - second appellant

RP2707/2011
MN2140/2011
WT854/2011

against

EMPLOYER

under

**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: Ms. P. McGrath BL

Members: Mr. T.P. Flood
Mr. J. Jordan

heard this case in Dublin on 18 February 2013

Representation:

Appellant(s):
No legal or trade union representation

Respondent(s):
No attendance or representation

The decision of the Tribunal was as follows:-

First Appellant

The first appellant claimed that his employment, which commenced on 13 October 2008, ended without notice by reason of redundancy on 23 September 2011. His gross weekly pay was €371.95. However, he told the Tribunal that he had received his redundancy lump sum.

A claim was also made under the Organisation of Working Time Act, 1997, for €223.17 still owed in respect of three days' holidays outstanding at the time of termination of employment with the respondent.

No evidence was offered by the respondent.

Second Appellant

The second appellant claimed that his employment, which commenced on 21 July 2008, ended without notice by reason of redundancy on 23 September 2011. His gross weekly pay was €371.95. However, he told the Tribunal that he had received his redundancy lump sum.

A claim was also made under the Organisation of Working Time Act, 1997, in respect of five days' holidays outstanding from 2009.

No evidence was offered by the respondent.

Determination:

The appeals by both appellants under the Redundancy Payments Acts, 1967 to 2007, fall for want of prosecution because they told the Tribunal that they had already received their redundancy lump sums.

First Appellant

Allowing the claim lodged under the Minimum Notice and Terms of Employment Acts, 1973 to 2005, the Tribunal awards the first appellant the sum of €743.90 (this amount being equivalent to two weeks' gross pay at €371.95 per week).

In addition, the Tribunal awards the appellant the sum of €223.17 (this amount being equivalent to monies still owed in respect of three days' outstanding holidays) under the Organisation of Working Time Act, 1997.

Second Appellant

Allowing the claim lodged under the Minimum Notice and Terms of Employment Acts, 1973 to 2005, the Tribunal awards the second appellant the sum of €743.90 (this amount being equivalent to two weeks' gross pay at €371.95 per week).

The second appellant's claim under the Organisation of Working Time Act, 1997, in respect of five days' holidays still outstanding from 2009 at the time of termination of his employment on 23 September 2011 fails because the Tribunal cannot make an award in respect of holidays so long outstanding.

Sealed with the Seal of the
Employment Appeals Tribunal

This _____
(Sgd.) _____
(CHAIRMAN)