

EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:

EMPLOYEE - appellant

CASE NO.
MN571/2011
RP732/2011
WT208/11

Against

EMPLOYER - respondent

under

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

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr. T. Ryan

Members: Mr F. Moloney
Ms. N. Greene

heard this appeal at Naas on 12th October 2012 and 23rd January 2013

Representation:

Appellant: In person

Respondent: No appearance by or on behalf of the respondent

The decision of the Tribunal was as follows:-

Determination:

At the hearing of this claim on 12th October 2012 it became apparent that the appellant incorrectly named, on his T1A form, a director of the respondent company as his employer. While the director was present at the hearing he would not consent to the T1A form being amended to reflect the correct employer being named- which was the respondent limited liability company.

The Tribunal exercised its power under section 39 of the Organisation of Working Time Act, 1997 and permitted the claimant to amend the T1A form and proceed against the correct employer limited company. The case was then adjourned to allow the appellant to complete the T1A form and to afford the employer company reasonable time to deal with the claim.

At the rehearing of this case on 23rd January 2013 there was no appearance by or on behalf of the respondent and the Tribunal was satisfied that the respondent was duly notified of the hearing.

Based on the appellant's uncontested evidence the Tribunal is satisfied that the appellant was made redundant and is entitled to a redundancy payment under the Redundancy Payments Acts, 1967 to 2007 based on the following criteria:

Date of Birth: 14th September 1967
Date of Commencement: 27th June 2005
Date of Termination: 1st February 2011
Gross Weekly Wage: €630.00

This award is subject to the appellant having been in employment, which is insurable for all purposes under the Social Welfare Consolidation Act 2005.

It should be noted that a statutory weekly ceiling of €600.00 currently applies to payments from the Social Insurance Fund.

The Tribunal awards the appellant €2520.00 being the equivalent of four weeks' notice under the Minimum Notice and Terms of Employment Acts, 1973 to 2005.

The Tribunal also awards the appellant €630.00 under the Organisation of Working Time Act, 1997.

Sealed with the Seal of the
Employment Appeals Tribunal

This _____
(Sgd.) _____
(CHAIRMAN)