

## EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:

CASE NO.

EMPLOYEE

RP2105/2011

Against

EMPLOYER

under

### REDUNDANCY PAYMENTS ACTS, 1967 TO 2007

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Ms. E. Kearney  
Members: Mr. J. Hennessy  
Mr. F. Dorgan

heard this appeal at Thurles on 30th January 2013

Representation:

Appellant:

The appellant in person

Respondent:

Joe Doolin, Director of the respondent.

#### **Claimant's case**

The claimant commenced employment with the respondent on the 1<sup>st</sup> January 1993 and was made redundant on 31<sup>st</sup> December 2009. At the date of termination of employment the appellant was earning €650.00 per week.

The form T1A was received by the Tribunal on 28<sup>th</sup> July 2011. The claimant told the Tribunal that the reason for the late filing of his appeal was that he believed the respondent had completed a form RP50 and sent it to the relevant authority at the time of the redundancy. The claimant had made enquiries with the Citizens Information Centre and they told him to give the form RP50 to his employer and that if his employer completed this form and sent it to the Redundancy Payment Section of the Department of Social Protection that the claimant would be paid his redundancy lump sum after approximately 15 months. However, in or around May 2011 the claimant met a former colleague who told him that she had already received her redundancy payment and she gave him a contact phone number for the Redundancy Payment Section. The claimant contacted this section and was informed that they had not received an application on his behalf so he then enquired with the respondent who completed another form RP50, this time on-line.

### **Respondent's case**

The respondent agreed with the dates of employment and rate of pay given by the appellant. He also agreed that the appellant was dismissed by way of redundancy.

### **Determination**

The Tribunal is satisfied that there was reasonable cause for the filing of this appeal outside of the 52 weeks stipulated in the Act. The Act provides for an extension of this time limit to 104 weeks in circumstances where there was a reasonable cause for this delay and therefore the Tribunal grants such an extension in this case.

Having considered the evidence adduced at the hearing the Tribunal awards the appellant a redundancy lump under the Redundancy Payments Acts, 1967 to 2007 based on the following criteria.

DOB	6 <sup>th</sup> February 1975
Commencement Date	1 <sup>st</sup> January 1993
Date notice received	N/A
Termination date	31 <sup>st</sup> December 2009
Gross pay	€650.00 per week

This award is made subject to the claimant having been in insurable employment, during the relevant period, in accordance with the Social Welfare Acts.

It should be noted that any payment made through the Social Insurance Fund is calculated on the basis of maximum earnings of €600.00 per week.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

(Sgd.) \_\_\_\_\_  
(CHAIRMAN)