

**EMPLOYMENT APPEALS TRIBUNAL**

CLAIM(S) OF:  
EMPLOYEE

CASE NO.  
UD1781/2011  
RP195/2013

against

EMPLOYER

under

**UNFAIR DISMISSALS ACTS, 1977 TO 2007  
REDUNDANCY PAYMENTS ACTS, 1967 TO 2007**

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Mr. E. Murray

Members: Ms. M. Sweeney  
Mr. J. Flavin

heard this case in Cork on 27 February 2013

Representation:

\_\_\_\_\_

Claimant(s):

Mr. Barry O'Meara, Barry G. O'Meara & Company, Solicitors,  
Pembroke House, Pembroke Street, Cork

Respondent(s):

Mr. Michael Cotter, Receiver and Manager, Ernst & Young,  
Chartered Accountants, City Quarter, Lapps Quay, Cork

The determination of the Tribunal was as follows:-

At the hearing the Tribunal was told that there was a wish to proceed under redundancy legislation rather than proceed with an unfair dismissal claim.

The appellant claimed that his employment, which commenced on 25 May 1999, ended by reason of redundancy on 3 February 2011. His gross weekly pay was €626.16.

No evidence was offered by or on behalf of the respondent at the hearing to dispute the appellant's entitlement to a redundancy lump sum. The receiver wrote to the Tribunal confirming that he would not be attending the hearing and that he had passed Tribunal correspondence to the respondent's directors.

**Determination:**

The claim under the Unfair Dismissals Acts, 1977 to 2007, falls for want of prosecution because an election was made to proceed under redundancy legislation.

Under the Redundancy Payments Acts, 1967 to 2007, the Tribunal finds that the appellant is entitled to a redundancy lump sum based on the following details:

Date of birth:	12 July 1970
Date of commencement:	25 May 1999
Date of termination:	03 February 2011
Gross weekly pay:	€626.16

It should be noted that payments from the Social Insurance Fund are limited to a maximum of €600.00 per week.

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)