

## EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:

CASE NO.

EMPLOYEE *-appellant*

RP2474/2011  
MN1952/2011

against

EMPLOYER *-respondent*

under

### **REDUNDANCY PAYMENTS ACTS, 1967 TO 2007 MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2005**

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Ms D. Donovan B.L.

Members: Mr J. Hennessy  
Mr F. Dorgan

heard this appeal at Kilkenny on 1st November 2012

#### **Representation:**

Appellant: Ms. Ger Malone, SIPTU, Connolly Hall, Summerhill, Waterford

Respondent: No appearance or representation on behalf of the respondent.

#### **Background:**

The appellant gave evidence that she was employed by the respondent as a senior carer. Her employment ended due to the closure of the nursing home while the appellant was absent on sick leave.

#### **Determination:**

Based on the appellant's uncontested evidence the Tribunal finds that she is entitled to a lump sum payment under the Redundancy Payments Acts, 1967 to 2007, based on the following criteria:

Date of Birth:	22 November 1962
Date of Commencement:	16 June 1990
Period of absence due to illness:	20 November 2009 until 21 July 2011
Date of Termination:	21 July 2011
Gross Weekly Pay:	€399.24

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

The Tribunal finds that the claim under the Minimum Notice and Terms of Employment Acts, 1973 to 2005, must fail as the appellant was absent due to illness when the respondent closed and therefore she was not available for work at that time.

Sealed with the Seal of the  
Employment Appeals Tribunal

This \_\_\_\_\_

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