

# **EMPLOYMENT APPEALS TRIBUNAL**

## **Correcting Order**

CLAIM OF:  
EMPLOYEE

CASE NO.  
UD1277/2011, MN1387/2011  
WT523/2011

against

EMPLOYER

under

**MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2005**  
**UNFAIR DISMISSALS ACTS, 1977 TO 2007**  
**ORGANISATION OF WORKING TIME ACT, 1997**

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Ms P. McGrath B.L.

Members: Ms A. Gaule  
Mr N. Dowling

heard this claim at Dublin on 14th November 2012

### **Representation:**

Claimant : In person

Respondent : Mr. Tom Kavanagh, Kavanagh Fennell, Insolvency,  
Simmonscourt House, Simmonscourt Road, Ballsbridge, Dublin 4 and  
Mr. Michael McAteer, Grant Thornton, Chartered Accountants,  
24/26 City Quay, Dublin 2

The determination of the Tribunal was as follows:

On further consideration of the Determination that issued on the 23<sup>rd</sup> January 2013, the Tribunal notes that some clarification might be needed so as to facilitate in the implementation of the Tribunal's intention. The following should be read in conjunction with the previous Determination of 23<sup>rd</sup> January 2013.

In particular the Tribunal notes that the claimant's gross weekly wage was in the amount of €903.00. At all times, the Tribunal sought to compensate the claimant for a period of 23 weeks loss of remuneration at the gross weekly wage of €903.00. In its Determination of 23<sup>rd</sup> January

2013 the Tribunal had referenced the figure of €600.00 for the purpose of informing the claimant of the cap placed by the department of Social Protection insolvency section.

In its Determination of 23<sup>rd</sup> January 2013 the Tribunal had referenced the figure of €13,800.00 as the Tribunal's own calculation of the figure which the claimant might be awarded. This was based on the understanding that the claimant would be capped at €600.00 for every week of the 23 weeks the tribunal intended to compensate the claimant for.

In conclusion the Tribunal confirms that it finds that the claimant should be compensated for loss of earnings for a period of 23 weeks based on a gross weekly wage of €903.00

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

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