

EMPLOYMENT APPEALS TRIBUNAL

APPEALS OF:

CASE NO.

EMPLOYEE - **Appellant**

RP2485/2011

against

WT768/2011

EMPLOYER - **Respondent**

under

REDUNDANCY PAYMENTS ACTS, 1967 TO 2007 ORGANISATION OF WORKING TIME ACT, 1997

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr E. Murray

Members: Mr D. Hegarty
Ms H. Kelleher

heard these appeals at Cork on 20 February 2013

Representation:

Claimant:

In person

Respondents:

Mr Kevin O'Sullivan of the respondent

The determination of the Tribunal was as follows:

Determination:

The appellant was laid off from 21 February 2011 and on 8 July 2011 served form RP9 on the respondent in order to lodge his claim for redundancy lump sum payment on foot of having been laid off for more than four consecutive weeks. While there was a dispute between the parties as to whether the appellant was offered further work within a week as required under Section 13 (2) of the Redundancy Payments Acts it was common case that the appellant was never given written counter notice. Accordingly, the Tribunal is satisfied that the appellant was dismissed by reason of redundancy and is entitled to a lump sum payment under the Redundancy Payments Acts, 1967 to 2007 based on the following criteria.

Date of Birth

25 January 1982

Employment commenced

30 November 2002

Employment ended
Gross weekly pay

8 July 2011
€604-00

There was a period of non-reckonable service, by reason of lay off, from 21 February 2011 until 8 July 2011.

This award is made subject to the appellant having been in insurable employment under the Social Welfare Consolidation Act, 2005 during the relevant period. It should be noted that payments from the Social Insurance fund are limited to a maximum of €600-00 per week.

No evidence having been adduced in this regard the appeal under the Organisation of Working Time Act, 1997 must fail.

Sealed with the Seal of the
Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)