

**EMPLOYMENT APPEALS TRIBUNAL**

**fAPPEAL OF:**

**CASE NO.**

**EMPLOYEE - appellant**

MN954/12  
RP1218/12  
WT406/12

**Against**

**EMPLOYER - respondent**

**under**

**MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2005  
REDUNDANCY PAYMENTS ACTS, 1967 TO 2007  
ORGANISATION OF WORKING TIME ACT, 1997**

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Ms N. O'Carroll Kelly BL

Members: Mr. J. Horan  
Ms. N. Greene

heard this appeal at Wicklow on 25<sup>th</sup> September 2012 and 3<sup>rd</sup> April 2013.

**Representation:**

Appellant: Mr. Pauric Hyland, B. J. O'Beirne & Co., Solicitors, 3 Church Buildings,  
Main Street, Arklow, Co. Wicklow

Respondent: No appearance by or on behalf of the respondent

The decision of the Tribunal was as follows:-

**Determination:**

At the hearing of this case on 25<sup>th</sup> September 2012 the appellant incorrectly named an individual as the respondent. The Chairman directed the appellant to check his P60s and to file a new T1A form with the correct entity.

At the rehearing of this case on 3<sup>rd</sup> April 2013 there was no appearance by or on behalf of the respondent and the Tribunal is satisfied that the respondent was duly notified of the hearing.

Based on the appellant's uncontested evidence the Tribunal is satisfied that the appellant was made redundant and is entitled to a redundancy payment under the Redundancy Payments Acts, 1967 to 2007 based on the following criteria:

Date of Birth: 21<sup>st</sup> March 1948  
Date of Commencement: 4th June 1963  
Date of Termination: 28th February 2011  
Gross Weekly Wage: €457.29

This award is subject to the appellant having been in employment, which is insurable for all purposes under the Social Welfare Consolidation Act 2005.

The Tribunal awards the appellant €3,658.32 being the equivalent of eight weeks' notice under the Minimum Notice and Terms of Employment Acts, 1973 to 2005.

The Tribunal also awards the appellant €1920.61 under the Organisation of Working Time Act, 1997.

Sealed with the Seal of the  
Employment Appeals Tribunal

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