

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:
EMPLOYEE – *appellant*

CASE NO.
RP2730/2011
MN2157/2011
WT865/2011

Against

EMPLOYER– *respondent*

under

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

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr D. Mac Carthy SC

Members: Mr J. Horan
Mr. J. Dorney

heard this appeal at Dublin on 14th March 2013

Representation:

Appellant(s): In person

Respondent(s): Company Director

The decision of the Tribunal was as follows:-

A director of the respondent company conceded the redundancy and holiday pay claims. She contested the minimum notice claim on the grounds that the appellant knew from conversations that work was coming to an end. The respondent company was a construction business. She agreed that no formal written notice was issued to the claimant.

Determination:

The Tribunal is satisfied that a redundancy situation occurred and that the appellant is entitled to a redundancy lump sum payment under the Redundancy Payments Acts, 1967 to 2007, based on the following information:

Date of Birth: 29th August 1965
Date of Commencement: 7th March 2005
Date of Termination: 28th June 2011
Non Reckonable Service: 13th June 2008 to 11th August 2008.

Weekly Gross Pay: €650.00
Statutory Entitlement: €8028.00

This award is made subject to the appellant having been in insurable employment under the Social Welfare Acts during the relevant period. It should be noted that a statutory weekly ceiling of €600.00 applies to payments from the Social Insurance Fund.

The Tribunal awards the appellant €2,600.00 (two thousand six hundred euro) in respect of four weeks' pay under the Minimum Notice and Terms of Employment Acts, 1973 to 2005.

The Tribunal awards the appellant €1,300.00 (one thousand three hundred euro) in respect of 10 days' pay under the Organisation of Working Time Act, 1997.

Sealed with the Seal of the
Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)