

## EMPLOYMENT APPEALS TRIBUNAL

**APPEAL(S) OF:**

EMPLOYEE - *appellant*

against

EMPLOYER - *respondent*

under

**CASE NO.**

MN846/2011

RP1086/2011

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

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Mr. T. Ryan

Members: Mr. T. O'Sullivan  
Mr F. Barry

heard this appeal at Dublin on 5<sup>th</sup> December 2012  
and 18<sup>th</sup> April 2013

#### **Representation:**

Appellant(s) : Mr. Blazej Nowak, Polish Consultancy Enterprise, 107 Amiens Street, Dublin 1

Respondent(s) : In Person - 5<sup>th</sup> December 2012  
Not Present or represented – 18<sup>th</sup> April 2013

The decision of the Tribunal was as follows:-

#### **Background:**

An email dated the 12<sup>th</sup> April 2013 was submitted by the respondent in this case to state the company was “*forced to close*” their Dublin/ROI operations as of the 8<sup>th</sup> March 2013 and they “*will not be in attendance or represented at the above hearing(s) as this company has now been dissolved*”.

The appellant had originally cited an incorrect title for the respondent on their original T1A form. The appellant made an application to the Tribunal under Section 39 of the Organisation of Working Time Act, 1997 to amend the title of the respondent to the correct title.

Having considered the matter the sitting Division of the Tribunal granted the application to amend the title of the respondent.

**Determination:**

The Tribunal is satisfied that the appellant's employment was terminated by way of redundancy. Accordingly, the appeal under the Redundancy Payments Acts, 1967 to 2007 is allowed and the appellant is awarded a statutory lump sum payment under those Acts based of the following:

Date of Birth: 19 March 1983  
Date of Commencement: 1 October 2007  
Date of Termination: 7 March 2011  
Gross Weekly Wage: € 340.00

This award is made subject to the claimant having been in insurable employment, during the relevant period, in accordance with the Social Welfare Acts.

The appeal under the Minimum Notice and Terms of Employment Acts 1973 to 2005 succeeds and the Tribunal award € 780.00 being the equivalent to 2 weeks' pay in lieu of notice.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

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