

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:
EMPLOYEE

CASE NO.
RP290/2013

- appellant

against
EMPLOYER
under

- respondent

REDUNDANCY PAYMENTS ACTS, 1967 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr. D. Mac Carthy S C

Members: Mr. B. Kealy
Mr. P. Woods

heard this appeal at Dublin on 29th May 2013

Representation:

Appellant(s) :

Respondent(s) : Not Present or Represented

The decision of the Tribunal was as follows:-

Determination:

The appellant's employment began on 1st November 1995. She was absent due to illness from 12th May 2008 to the 29th October 2008. She returned to work but on the 27th January 2009 she was suspended. In High Court proceedings (Record Number 2010/678P) taken by the appellant against the company it was ordered that the company be restrained "from dismissing or taking any disciplinary action against" her, and it was further ordered that the company paid her salary and all emoluments pending the trial of the action. This Order was made on the 1st February 2011.

She did not return to work but was continued to be paid on foot of the High Court Order until the 15th November 2011 when the company ceased to trade and all employees were made redundant. The company went into liquidation by way of a members' voluntary winding-up.

The Tribunal finds:

1. That the appellant was dismissed by reason of redundancy.

2. That she is entitled to an award based on the following:

| | |
|-------------------------------|--------------------------------------|
| Date of Birth: | 15 November 1960 |
| Service from: | 1 November 1995 to 15 September 2011 |
| Non-reckonable service: | Nil |
| Normal weekly remuneration: | € 1,588.99 |
| Amount of redundancy payment: | € 19,656.00 |

3. (a) Her absence from the 12th May 2008 to the 29th October 2008 due to illness being less than 26 weeks is reckonable service under the Act.
(b) The period from the 27th January 2009 to the 15th September 2011 is reckonable service on foot of the Order of the High Court mentioned above

A ceiling of € 600 applies to any payments from the Social Insurance Fund and this award is subject to the appellant having been in employment which is insurable for all purposes under the Social Welfare Consolidation Act 2005.

Sealed with the Seal of the
Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)