

EMPLOYMENT APPEALS TRIBUNAL

CLAIM(S) OF:
EMPLOYEE

-appellant

CASE NO.
UD2361/2011
RP2917/2011
MN2376/2011

against

EMPLOYER *-respondent*

under

UNFAIR DISMISSALS ACTS, 1977 TO 2007
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 J Flanagan BL

Members: Ms J Winters
Mr A Butler

heard this claim at Dublin on 26th April 2013

Representation

Claimant: In person

Respondent: A director of the company.

Background

In the course of the hearing the appellant withdrew his claim under the Unfair Dismissals Acts, 1977 to 2007.

It was the appellant's case that one week's notice was still owed to him in respect of the termination of his employment. The director, on behalf of the respondent, conceded that the claim that one week's notice was due.

The appellant also submitted that the redundancy payment and minimum notice he had received from the respondent should have been calculated on a full week's wages. It was agreed between the parties that the appellant had worked reduced hours for some 14 months. The appellant stated that he had not accepted the reduced hours as his normal hours and had on various occasions requested a return to full time hours.

Determination

The parties consented to the Tribunal making an order in favour of the appellant for a redundancy payment calculated on the basis of a full week's wages and the following criteria:

Date of Birth: 14th April 1975
Date of Commencement: 23rd February 2001
Date of Termination: 21st April 2011
Gross Weekly Pay: €785.00

The Tribunal notes that a sum of €8,399.50 has previously been received by the appellant as a redundancy payment.

It should be noted that payments from the social insurance fund are limited to a maximum of €600.00 per week.

This award is made subject to the appellant having been in insurable employment under the Social Welfare Acts during the relevant period.

The Tribunal also finds, on consent, that the appellant is entitled to one further week's notice under the Minimum Notice and Terms of Employment Acts, 1973 to 2005, and the Tribunal therefore awards to the appellant the sum of €392.50 thereunder, as the appellant was working reduced hours during the notice period but for a period of more than one year.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)