

EMPLOYMENT APPEALS TRIBUNAL

COMPLAINT OF:
EMPLOYEE

I 49/2011

CASE NO.

against the decision of The Minister for Social Protection

in the case of :

EMPLOYER Insolvency Payments Section, Department Of Social Protection,
Block C, Floor 3, Earlsfort Centre, Lower Hatch Street, Dublin 2

under

PROTECTION OF EMPLOYEES (EMPLOYERS' INSOLVENCY) ACTS, 1984 TO 2004

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms P. McGrath B.L.

Members: Mr T. O'Sullivan
Mr J. Flannery

heard this complaint at Dublin on 18th June 2013

Representation:

Complainant: In person

Respondent:

The declaration of the Tribunal was as follows:-

On behalf of the Minister, the Department of Social Protection refused the claim of the complainant on the grounds that the liquidator of the company, from the company records, had not been able to certify the claims as correct on the requisite form.

The complainant lodged a complaint under section 9(1)(a) of the Protection of Employees (Employers' Insolvency) Acts, 1984 to 2001 in order to pursue his claim for arrears of wages and holiday pay and public holiday entitlement.

Determination:

Having considered the submissions of the complainant the Tribunal is satisfied that the complainant is entitled to payments from the Insolvency Fund under the Protection of Employees (Employers' Insolvency) Acts, 1984 to 2001

Based on the sworn evidence the Tribunal determines that the complainant was in insurable employment at the relevant date and is entitled to payments from the Insolvency fund under the Protection of Employees (Employer's Insolvency) Acts, 1984 to 2001 according to the details on the P45 and P60 as agreed with the liquidator's representative.

Accordingly the Tribunal awards the claimant €7,272.00 as arrears of wages, €581.00 as holiday pay due together with €600.00, arrears of public holiday entitlement.

These awards are made subject to the complainant having been in insurable employment under the Social Welfare Acts during the relevant period.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

