

## EMPLOYMENT APPEALS TRIBUNAL

COMPLAINT OF:  
EMPLOYEE

CASE NO.  
I 5/2013

against the decision of The Minister of 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: H.E.O. Insolvency Payments Section, Department Of Social  
Protection, Block C Floor 3 Earlsfort Centre, Lower Hatch Street, Dublin 2

The declaration of the Tribunal was as follows:-

The complainant lodged a complaint under section 9(1)(a) of the Protection of Employees (Employers' Insolvency) Acts, 1984 to 2004 in order to pursue her claim for arrears of holiday pay and unpaid wages.

#### **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 2004.

The Tribunal awards the claimant €1125.00 as payment in respect of outstanding holiday pay due and €2810.00 in respect of unpaid wages.

The Tribunal cannot make any award under the Minimum Notice and Terms of Employment Act 1973 to 2005 and that claim must be brought separately.

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)

