

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF: EMPLOYEE	CASE NO.
- <i>appellant 1</i>	RP502/2012 WT204/2012
- <i>appellant 2</i>	RP504/2012 WT206/2012
- <i>appellant 3</i>	RP505/2012 WT207/2012
- <i>appellant 4</i>	RP506/2012 WT208/2012
- <i>appellant 5</i>	RP507/2012 WT209/2012
- <i>appellant 6</i>	RP517/2012 WT212/2012
- <i>appellant 7</i>	RP518/2012 WT213/2012
- <i>appellant 8</i>	RP520/2012 WT215/2012
- <i>appellant 9</i>	RP521/2012 WT216/2012
- <i>appellant 10</i>	RP522/2012 WT217/2012
- <i>appellant 11</i>	RP523/2012 WT218/2012
- <i>appellant 12</i>	RP524/2012 WT219/2012
- <i>appellant 13</i>	RP525/2012 WT220/2012
- <i>appellant 14</i>	RP527/2012 WT222/2012
- <i>appellant 15</i>	RP529/2012 WT224/2012
- <i>appellant 16</i>	

	RP531/2012	WT226/2012
EMPLOYEE <i>-appellant 17</i>		
	RP532/2012	WT227/2012
EMPLOYEE <i>-appellant 18</i>		
	RP536/2012	WT231/2012
EMPLOYEE <i>-appellant 19</i>		
	RP538/2012	WT233/2012
EMPLOYEE <i>-appellant 20</i>		
	RP540/2012	WT235/2012
EMPLOYEE <i>-appellant 21</i>		
	RP541/2012	WT236/2012
EMPLOYEE <i>-appellant 22</i>		
	RP542/2012	WT237/2012
EMPLOYEE <i>-appellant 23</i>		
	RP544/2012	WT239/2012
EMPLOYEE <i>-appellant 24</i>		
	RP530/2012	WT225/2012

against

EMPLOYER *-respondent*

under

**REDUNDANCY PAYMENTS ACTS, 1967 TO 2007
ORGANISATION OF WORKING TIME ACT, 1997**

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms E. Coughlan

Members: Mr J. Browne
Mr A. Butler

heard this appeal at Carlow on 9th May 2013

Representation:

Appellants: Appellants 3, 4, 6, 13 and 16 attended in person.
Neither the appellants nor a representative on their behalf attended the hearing in relation to appellants 1,2,5,7,8,9,10,11,12,14,15,17,18,19,20,21,22,23 and 24.

Respondent: There was no appearance by or on behalf of the respondent. The Tribunal was in receipt of recent correspondence from the liquidator in relation to the claims.

Summary:

Appellant 3:

The appellant submitted to the Tribunal that he had not received a redundancy payment upon the termination of his employment with the respondent. In addition the appellant submitted that outstanding holiday pay was owing to him.

Appellant 4:

The appellant submitted that there was an outstanding payment due to her by way of a redundancy lump sum. The appellant provided details of a payment she had received upon the termination of her employment but she stated that this related to outstanding holiday pay rather than a redundancy payment.

Appellant 6:

The appellant informed the Tribunal that he had received a redundancy payment but that an outstanding sum in relation to holiday pay was owing to him. He provided the Tribunal with details of his claim in this regard.

Appellant 13:

The appellant informed the Tribunal that she had received all of her entitlements.

Appellant 16:

The appellant informed the Tribunal that she had received a redundancy payment from the respondent but that an outstanding sum in relation to holiday pay was owing to her. The appellant provided details of her claim to the Tribunal.

Determination:

The Tribunal dismisses the appeals brought by appellants 1, 2, 5, 7, 8, 9, 10, 11, 12, 14, 15, 17, 18, 19,20,21,22,23 and 24 under the Unfair Dismissals Acts, 1977 to 2007 and the Organisation of Working Time Act, 1997 for want of prosecution.

Appellant 3:

The Tribunal finds that it must dismiss the appeal under the Redundancy Payments Acts, 1967 to 2007, as the appellant did not have the requisite 104 weeks service to entitle him to a redundancy payment. The Tribunal finds that the appellant is entitled to the sum of €654.48 under the Organisation of Working Time Act, 1997

Appellant 4:

The Tribunal is satisfied from the documentary evidence presented by the appellant that the payment made to her upon the termination of her employment related to outstanding holiday pay, payment in lieu of minimum notice and arrears of wages. Accordingly, the Tribunal dismisses the claim under the Organisation of Working Time Act, 1997 but finds that the appellant is entitled to a lump sum payment under the Redundancy Payments Acts, 1967 to 2007, based on the following criteria:

Date of Commencement:	1 June 2007
Date of Termination:	28 April 2011
Gross Weekly Pay:	€163.62

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

Appellant 6:

The Tribunal finds that the appellant is entitled to the sum of €1,883.70 (being the equivalent of 23 days gross pay) under the Organisation of Working Time Act, 1997. The Tribunal dismisses the appeal under the Redundancy Payments Acts, 1967 to 2007, as the appellant was paid his entitlements.

Appellant 13:

The Tribunal dismisses the appeals under the Redundancy Payments Acts, 1967 to 2007 and the Organisation of Working Time Act, 1997 as the appellant confirmed that she has received her entitlements.

Appellant 16:

The Tribunal finds that the appellant is entitled to the sum of €622.80 under the Organisation of Working Time Act, 1997. The Tribunal dismisses the appeal under the Redundancy Payments Acts, 1967 to 2007, as the appellant was paid her entitlements.

Sealed with the Seal of the
Employment Appeals Tribunals

This _____

(Sgd.) _____
(CHAIRMAN)