

EMPLOYMENT APPEALS TRIBUNAL

CLAIM OF:

CASE NO.

EMPLOYEE

MN576/2012

WT255/2012

against
EMPLOYER

under

MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2005 ORGANISATION OF WORKING TIME ACT, 1997

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms. N. O'Carroll-Kelly BL
Members: Mr. R. Murphy
Mr. A. Butler

heard this claim at Dublin on 9th July 2013

Representation:

Claimants:
The claimant in person

Respondent:

Respondent's case

A representative of the liquidator told the Tribunal that they had no documentation or evidence to offer the Tribunal in relation to the claims before the Tribunal.

Claimant's case

The claimant presented a copy of the form RP50 to the Tribunal. This RP 50 was signed by the claimant and on behalf of the respondent. It was the claimant's evidence that he received notice of redundancy on 14th May 2010 and that he was paid to 9th July 2010.

At the time of his redundancy the claimant was earning €850.00 per week. The claimant did not take holidays in the leave year beginning on 1st January 2010 and was not paid in lieu of annual leave accrued to the date of his redundancy.

Determination

The Tribunal considered the evidence adduced at the hearing. It was the evidence of the claimant that he received notice of redundancy on 14th May 2010 and was paid to 9th July 2010. This was supported by a copy of the form RP50 which was signed by the claimant and on behalf of the respondent. Therefore the Tribunal is satisfied that the claimant received his statutory entitlement of eight weeks notice and his claim under the Minimum Notice and Terms of Employment Acts, 1973 to 2005 fails.

It was the claimant's uncontested evidence that he did not receive any holidays or payment in lieu thereof for the leave year in which his employment was terminated. Therefore the Tribunal awards the claimant €1,700.00, being two weeks pay at €850.00 per week under the Organisation of Working Time Act, 1997.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)