

EMPLOYMENT APPEALS TRIBUNAL

CLAIMS OF:
EMPLOYEE *-claimant*

CASE NO.
UD2084/2011
RP654/2013
MN2110/2011
WT835/2011

Against

EMPLOYER *-respondent*

under

UNFAIR DISMISSALS ACTS, 1977 TO 2007 REDUNDANCY PAYMENTS ACTS, 1967 TO 2007 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: Mr J. Lucey

Members: Mr G. Andrews
Mr J. Flavin

heard this claim at Limerick on 17th July 2013

Representation:

Claimant: McMahan O'Brien, Solicitors, Mount Kennett House, Henry Street, Limerick

Respondent: No appearance or representation on behalf of

The claim under the Unfair Dismissals Acts, 1977 to 2007 was withdrawn at the outset. The Tribunal granted the claimant's application to add an appeal under the Redundancy Payment's Acts, 1967 to 2007. The Tribunal is satisfied that reasonable circumstances existed which prevented the claimant from lodging her appeal within the 1 year time limit as prescribed in the Acts.

Claimant's Case

The claimant worked for the respondent business, a pub from October 2007. On Friday the 21st of August 2011 the respondent informed the claimant that she was being let go. The following Monday the claimant met with the respondent and was informed that he was struggling to pay her wages and that the business was struggling so badly that 'it was in the ground.' The respondent ceased trading in October 2011. The claimant did not get notice of her dismissal or receive any payment for her outstanding annual leave entitlement.

Determination

The Tribunal is satisfied that the respondent was properly put on notice of this hearing. Neither he nor a representative on his behalf attended the hearing.

Based on the uncontested evidence of the claimant the Tribunal are satisfied that her employment was terminated by way of redundancy. The Tribunal awards her a redundancy lump sum payment under the Redundancy Payments Acts 1967 to 2007 based on the following:

Date of Birth:	23 rd January 1985
Date of commencement of employment:	15 th October 2007
Date of termination of employment:	21 st August 2011
Gross weekly pay:	€430.00

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

The Tribunal award the claimant €860.00 being the equivalent to two weeks' notice under the Minimum Notice and Terms of Employment Acts, 1973 to 2005.

The claimant is awarded € 712.08 being the equivalent to her outstanding annual leave entitlement under the Organisation of Working Time Act, 1997.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)