

EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:
Employee - appellant

CASE NO.
RP561/2008

against

Employer - respondent

under

REDUNDANCY PAYMENTS ACTS, 1967 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms P Clancy

Members: Mr B O'Carroll
Mr J Le Cumbre

heard this appeal at Loughrea on 5th March 2009

Representation:

Appellant: Ms Aoife Clarke
John Nash Solicitors
Abbey Street,
Loughrea

Respondent: In person

The decision of the Tribunal was as follows:

Claimant's Case:

The appellant commenced his employment with the respondent company on 10th September 2000. His employment ceased on 21st December 2007. The appellant gave evidence that he took a three-month break from October 2002 until January 2003 to go to the USA. However, the respondent continued to pay the appellant's social insurance contribution. The appellant was seeking a redundancy payment for the full duration of his employment.

Respondent's Case:

The respondent agreed that the appellant was entitled to a redundancy payment, but disputed from which date. He had continued to pay the appellant's social insurance and did not issue a P45 during his time abroad as the appellant was required to show that he had a job to return to.

Determination:

The Tribunal finds that the appellant is entitled to a redundancy lump sum payment based on the following criteria:

Date of Commencement: 10th September 2000
Date of Termination: 21st December 2007
Gross Weekly Pay: €450.00

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)