

## EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:

CASE NO.  
RP172/2009

Employee

Appellant

against

Employer

Respondent

under

### REDUNDANCY PAYMENTS ACTS, 1967 TO 2007

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Mr J Flanagan BL

Members: Mr D Winston  
Mr P Woods

heard this appeal at Dublin on 4<sup>th</sup> June 2009

Representation:

\_\_\_\_\_

Appellant: In person

Respondent: No appearance or representation

The decision of the Tribunal was as follows: -

#### **Determination:**

Having heard the uncontroverted evidence of the appellant the Tribunal is satisfied that a redundancy situation existed. The Tribunal finds the appellant is entitled to a redundancy lump sum under the Redundancy Payments Acts 1967 to 2007 based on the following information:

Date of Birth	15 <sup>th</sup> December 1959
Date employment commenced	20 <sup>th</sup> May 2005
Date employment ended	21 <sup>st</sup> November 2008
Gross weekly wage	€922.74

The Tribunal notes that the Rights Commissioner has awarded Minimum Notice of two weeks and therefore the date of termination has been extended by the Tribunal to include the minimum notice period. There was also a claim before the Rights Commissioner under the Payment of Wages Acts

concerning the appropriate rate of pay under a Registered Employment Agreement. It should be noted that payments from the social insurance fund are limited to a maximum of €600.00 per week and that as the gross weekly pay as claimed by the appellant and the higher amount as found by the Rights Commissioner both exceed the statutory maximum for the purposes of calculation of an award of redundancy then the Tribunal will rely on the figure furnished by the appellant.

The Tribunal conducted a search of the Companies Registration Office website and confirmed that the respondent's address as furnished by the appellant was correct. The Tribunal also rang the telephone number of the respondent as it appears on the Form T1A and received no reply. The Tribunal also notes that there was no appearance by the respondent before the Rights Commissioner in the related matters.

This award is made subject to the appellant 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)