

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:

CASE NO.

EMPLOYEE - *appellant*

RP1616/2009

against

EMPLOYER - *respondent*

under

REDUNDANCY PAYMENTS ACTS, 1967 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr. P. O'Leary B L

Members: Mr. D. Winston
Mr N. Dowling

heard this appeal at Dublin on 27th April 2010

Representation:

Appellant(s) : In Person

Respondent(s) : In Person

The decision of the Tribunal was as follows:-

Respondent's Case

Witness for the respondent gave sworn evidence that a redundancy situation existed and the appellant's employment terminated on 1 March 2009. He told the Tribunal that he made a cash payment to the appellant of €1500.00 on that date and informed him that he would make payment of a further €1500.00 at a future date following the sale of his mother-in-law's house. In reply to questions from the Tribunal he replied that he could not provide any evidence of the initial payment. The payment was made from monies in the cash register and was not recorded on the till roll or receipts. The proposed payment of the further €1500.00 never materialized due to financial constraints.

Claimant's Case

The claimant gave direct sworn evidence that he was told on 1 March 2009 by the previous witness for the respondent that the business was closing down. He was told that he would receive €1500.00 on 1 March 2009 and a further €1500.00 at a future date but he never received payment of either amount.

Determination

The Tribunal determines that the appellant is entitled to a redundancy lump sum payment under the Redundancy Payments Acts 1967 to 2007 based on the following information:

Date of Birth:	4 March 1966
Date of commencement of employment:	4 July 2005
Date of termination of employment:	1 March 2009
Gross weekly pay:	€664.82

Please note that a weekly ceiling of €600.00 applies to all awards made from the Social Insurance Fund.

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

There was a dispute between the parties in relation to a payment of a sum of €1500.00 by the respondent to the appellant. The Tribunal favours the evidence given by the appellant in this matter and decides that no such payment was made.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

