

EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:

CASE NO.

EMPLOYEE –**Appellant**

RP503/2009

against

EMPLOYER -**Respondent**

under

REDUNDANCY PAYMENTS ACTS, 1967 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr. D. MacCarthy S.C.

Members: Mr. C. McHugh
Mr. A. Butler

heard this appeal at Wicklow on 18 November 2009

Representation:

Appellant:

Mr. Declan Naughton, Organisation Solutions, 15 Ashton, Blessington, Co. Wicklow

Respondent:

Mr. Patrick McGonagle, McGonagle Solicitors,
13 Parliament Street, Dublin 2

The determination of the Tribunal was as follows:

Determination:

Notice of lay-off and form RP9 were issued to the appellant on 5 June 2008. At the hearing the respondent conceded that, judged by objective standards, the reality was dismissal. In these circumstances the Tribunal finds that the appellant was dismissed by reason of redundancy and is satisfied, based on the following criteria:

Date of Birth	Employment Began	Employment Ended	Gross Weekly Pay
26 January 1954	27 August 2005	5 June 2008	€624-00

That the appellant is entitled to a lump sum payment of €3,936-00 under the Redundancy Payments Acts, 1967 to 2007. There was no non-reckonable service during the last three years of the employment. This award is made subject to the appellant having been in employment which is insurable for all purposes under the Social Welfare Consolidation Act, 2005 during the relevant period. It should be noted that payments from the social insurance fund are limited to a maximum of €600-00 per week.

Sealed with the Seal of the
Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)