

EMPLOYMENT APPEALS TRIBUNAL

APPEALS OF:

CASE NO.

EMPLOYEE

RP51/2011
MN27/2011

against
EMPLOYER

under

MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2005 REDUNDANCY PAYMENTS ACTS, 1967 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr. J. Sheedy
Members: Mr. P. Casey
Mr. D. Mcevoy

heard this appeal at Cork on 26th August 2011

Representation:

Appellant: The appellant in person

Respondent: The respondent in person

Background

It was common case that the appellant was absent from work due to illness from November 2008 to February 2009 and that there was no work available from 20th January 2009. The appellant was placed on lay off in the hope that more work would become available but none did and the appellant was subsequently made redundant on 4th January 2010.

The employer claimed inability to pay a redundancy lump sum due to financial constraints. The respondent presented a completed form RP50 to the appellant and both parties signed it to indicate that no redundancy payment had been made. The respondent then undertook to forward this form to the Redundancy Payment Section.

Determination

Having considered the evidence adduced the Tribunal awards the appellant €694.38 under the Minimum Notice and Terms of Employment Acts, 1973 to 2005 together with a lump sum redundancy payment under the Redundancy Payments Acts, 1967 to 2007 based on the following criteria.

DOB	19 th February 1981
Commencement Date	8 th August 2006
Lay-Off	20 th January 2009 to 4 th January 2010
Termination date	4 th January 2010
Gross pay	€347.19

This award is made subject to the claimant having been in insurable employment, during the relevant period, in accordance with the Social Welfare Acts.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____

(CHAIRMAN)

