

**EMPLOYMENT APPEALS TRIBUNAL**

CLAIMS OF:  
EMPLOYEE  
*-claimant*

CASE NO.  
UD747/2010  
RP1006/2010

MN701/2010

WT317/2010

against

EMPLOYER  
*-respondent*  
under

**UNFAIR DISMISSALS ACTS, 1977 TO 2007**  
**REDUNDANCY PAYMENTS ACTS, 1967 TO 2007**  
**MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2005**  
**ORGANISATION OF WORKING TIME ACT, 1997**

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Mr. T. Ryan  
Members: Mr P. Pierce  
Ms. N. Greene

heard this claim at Dublin on 26th July 2011

Representation:  
Claimant: In person

Respondent: In person

**Preliminary point:**

The Tribunal heard sworn evidence from both the claimant and the respondent.

The claim under the Unfair Dismissals Act 1977 to 2007 was not submitted to the Tribunal within the six-month period as specified in the Act. The claimant could not explain any exceptional circumstances to the Tribunal why this was so. Therefore the Tribunal cannot extend the period for submitting the claim to one year and accordingly the claim is not within the jurisdiction of the Tribunal. The claimant was told this by the Tribunal on the day of the hearing and accepted this position.

**Determination:**

The respondent agreed the claimant was an employee. The respondent agreed that the claimant's position was redundant as the respondent company closed down.

Accordingly, the Tribunal determines that the claimant is entitled to a redundancy lump sum payment under the Redundancy Payments acts, 1967 to 2007, based on the following information:

Date of birth:	23 <sup>rd</sup> February 1968
Date of commencement:	01 <sup>st</sup> January 2002
Date of notice:	06 <sup>th</sup> June 2009
Date of cessation:	06 <sup>th</sup> June 2009
Gross weekly pay:	€226.00

The claim under the Minimum Notice and Terms of Employment Acts, 1973 to 2005, succeeds and the Tribunal awards the claimant the sum of €904.00, this being four weeks gross pay as compensation in lieu of notice.

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

The claim under the Organisation Of Working Time Act, 1997 is dismissed.

Sealed with the Seal of the  
Employment Appeals Tribunal

This \_\_\_\_\_

(Sgd.) \_\_\_\_\_  
(CHAIRMAN)