

EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:

CASE NO.

EMPLOYEE – *appellant*

RP25/2011
MN13/2011

against

EMPLOYER

under

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

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms. K. T. O'Mahony BL.

Members: Mr. D. Hegarty
Mr. J. Flavin

heard this appeal in Cork on 14th June 2011

Representation:

Appellant: In Person

Respondent: No appearance by or on behalf of the respondent

The decision of the Tribunal was as follows:-

There was no appearance by or on behalf of the respondent. The Tribunal is satisfied that the respondent was properly notified of the hearing.

The appellant stated that she commenced employment with the respondent on the 1st October 2006,

and was let go on the 23rd January 2010. The appellant's evidence was that the respondent ceased trading and returned to China on a permanent basis. At the time of termination of employment the appellant was being paid €176.00 gross per week. The appellant did not receive any payment from the respondent in respect of a lump sum redundancy payment.

Determination

Having considered the uncontested evidence of the appellant the Tribunal awards her a lump sum redundancy payment under the Redundancy Payments Acts, 1967 to 2007 based on the following criteria.

Date of Birth:	8 th July 1971
Date of Commencement:	1 st October 2006
Date of Termination:	23 rd January 2010
Gross Weekly Wage:	€176.00

This award under the Redundancy Payments Acts is made subject to the appellant's fulfilling current social welfare requirements in relation to PRSI contributions. It should be noted that a statutory weekly ceiling of €600.00 currently applies to payments from the Social Insurance Fund.

Based on the uncontested evidence of the claimant the Tribunal is satisfied that the appellant was given one weeks notice. The Minimum Notice and Terms of Employment Acts, 1973 to 2005 provides that an employee who has been in continuous service of his/her employer for two years or more, but less than five shall receive two weeks notice. Accordingly the Tribunal award the claimant €176.00 being the equivalent of one week's pay under the Minimum Notice and Terms of Employment Acts, 1973 to 2005.

Sealed with the Seal of the
Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)