

## EMPLOYMENT APPEALS TRIBUNAL

APPEALS OF:

CASE NO.

EMPLOYEE

RP2733/2011

–First Named Appellant

MN2159/2011

EMPLOYEE

RP2734/2011

–Second Named Appellant

MN2160/2011

EMPLOYEE

RP2735/2011

–Third Named Appellant

MN2161/2011

EMPLOYEE

RP2736/2011

–Fourth Named Appellant

MN2162/2011

against

EMPLOYER

–Respondent

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: Mr E. Murray

Members: Mr D. Hegarty  
Ms H. Kelleher

heard these appeals at Cork on 20 February 2013

#### **Representation:**

Claimant:

Respondent:

The determination of the Tribunal was as follows:

#### **Determination:**

The respondent company was struck off the register of companies on 25 February 2011 and as such no longer has a legal personality. The former managing director of the respondent accepted that the appellants had worked for the respondent as set out in their claims to the Tribunal. Lump sum

payments under the Redundancy Payments Acts being a statutory entitlement funded from the Social Insurance fund the Tribunal finds that that the appellants were dismissed by reason of redundancy and are entitled to lump sum payments under the Redundancy Payments Acts, 1967 to 2007 in accordance with the following schedule.

Appellant	Date of Birth	Employment Began	Employment Ended	Gross Weekly Pay
1 <sup>st</sup> Named	21/09/1967	02/09/1996	24/02/2011	€310-67
2 <sup>nd</sup> Named	20/06/1954	28/07/1988	24/02/2011	€193-36
3 <sup>rd</sup> Named	20/09/1952	03/06/1991	24/02/2011	€200-10
4 <sup>th</sup> Named	01/10/1950	18/06/1997	24/02/2011	€192-87

There was a period of non-reckonable service on the part of the first, second and fourth named appellants, by reason of lay off, from 15 October 2010 until 24 February 2011.

These awards are made subject to the appellant having been in insurable employment under the Social Welfare Consolidation Act, 2005 during the relevant period.

In a situation where the respondent no longer has a legal personality and the appellants are not entitled to the benefit of the Protection of Employees (Employers Insolvency) Acts the Tribunal is not in a position to make a finding under the Minimum Notice and Terms of Employment Acts, 1973 to 2005.

Sealed with the Seal of the  
Employment Appeals Tribunal

This \_\_\_\_\_

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