

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:

CASE NO.

Employee

RP53/2006
MN68/2006
WT23/2006

against

2 Employers

under

REDUNDANCY PAYMENTS ACTS, 1967 TO 2003 MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2001 ORGANISATION OF WORKING TIME ACT, 1997

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr. K. Buckley

Members: Mr. J. Browne
Mr. D. McEvoy

heard this appeal at Waterford on 25th April 2007

Representation:

Appellant(s) : Appeared in Person

Respondent(s) : No Appearance or Representation

The decision of the Tribunal was as follows:-

The appellant gave evidence on why his application was outside the twelve months as set down by the Acts. The appellant commenced with another employer on the premises in 2000. There was a transfer of undertakings and the respondent company took over the business. The appellant continued as before. He attended for work in November 2004 and the gates were locked. The business had closed with no notice. He had been aware of financial difficulties that the company was in with suppliers and one of his pay cheques was not honoured when presented to the bank. The appellant gave evidence about holidays and notice.

Determination:

The Tribunal are satisfied that the appellant had reasonable cause that prevented him lodging this appeal within the twelve-month period and accordingly extend the time limit, as provided for in the Acts. Based on the uncontested evidence given, the Tribunal award the appellant his statutory entitlement under the Redundancy Payment Acts, 1967 to 2003, based on the following

information:

| | |
|-----------------------|-------------------------------|
| Date of Birth: | 3 rd March 1964 |
| Date of Commencement: | 1 st January 2000 |
| Date of Termination: | 1 st November 2004 |
| Gross Weekly Pay: | €435.00 |

The Tribunal awards the appellant the amount of €870.00 (being two week's pay) under the Minimum Notice and Terms of Employment Acts, 1973 to 2001.

The Tribunal, based on the evidence heard, awards the appellant the amount of €522.00 (being six days' leave) under the Organisation of Working Time Act, 1997.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)