

EMPLOYMENT APPEALS TRIBUNAL

APPEALS OF:

Employee

CASE NO.

RP654/2006

MN908/2006

Against

Employer

under

REDUNDANCY PAYMENTS ACTS, 1967 TO 2003 MINIMUM NOTICE AND TERMS OF EMPLOYMENTS ACTS, 1973 TO 2001

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms P. McGrath

Members: Mr W. Power
Ms. N. Greene

heard these appeals at Dublin on 15th May 2007

Representation:

Appellant :

Ms. Emma Richmond, WhitneyMoore, Solicitors, Wilton Park
House, Wilton Place, Dublin 2.

Respondent :

In Person.

The decision of the Tribunal was as follows:-

Determination:

The appellant has worked as a truck driver in the quarry business since May of 2000. There is no doubt that he was originally taken on by a XXXX and worked at a quarry in Ballinascorney. Subsequently, the business transferred to a quarry site in Ballyboden and was run under the name XXXX. A transfer of undertaking was effected thereby ensuring continuity of service. Both XXXX were Directors of this company. In and around the end of 2004 the Ballyboden enterprise was getting into some difficulty. The appellant was invited to join XXXX in a new quarry site to

start in early January 2005. Again, there was no break in employment, no P45 issued and no change in terms and conditions of employment. The appellant's service to his employer continued unbroken to September 2006.

In these circumstances the appellant is entitled to a redundancy lump sum under the Redundancy Payments Acts, 1967 to 2003 based on the following:

Date of Birth	23 rd March 1944
Date employment commenced	5 th May 2000
Date employment ended	29 th September 2006
Gross weekly salary	€480.00

Under the Minimum Notice and Terms of Employment Acts, 1973 to 2001, the appellant is entitled to four weeks notice. As the appellant has already received one week's notice, the Tribunal awards him €1,440.00, which is the equivalent of the remaining three week's notice entitlement.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)