

EMPLOYMENT APPEALS TRIBUNAL

APPEALS OF:

CASE NO.

Employee

RP27/2006

against

MN35/2006

Employer

under

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

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr. S. Mahon

Members: Mr. B. O'Carroll
Mr. J. LeCumbre

heard these appeals at Athlone on 8 May 2007

Representation:

Appellant: Mr. Barney Fitzgerald, Congress Information and Development Centre,
Masons Hall, Church Avenue, Mullingar, Co. Westmeath

Respondent: XXXX

The determination of the Tribunal was as follows:

It is common case that the appellant was employed under a community employment (CE) scheme for some three years from early 2000 until June 2003. At the completion of her involvement with the CE scheme the appellant, who had been working in the respondent's Mullingar office, was interviewed by staff from the respondent and placed on their payroll in June 2003. The appellant, along with all other staff, was informed of her impending dismissal by reason of redundancy on 14 March 2005. She was paid until 15 April 2005. It is further common case that for the period of her involvement with the CE scheme the appellant was paid by the organisation from which her representative comes and that FAS funded this organisation to employ the appellant.

The respondent's position was that the appellant's employment from 2000 until June 2003 did not have continuity with that post June 2003 until her dismissal and this meant that she had insufficient service to qualify for a lump sum under the Redundancy Payments Acts, 1967 to 2003.

Determination:

The Tribunal is satisfied that the appellant's employment from January 2000 until June 2003 did have continuity with that post June 2003. Accordingly the Tribunal finds that the appellant is entitled to payments under the Redundancy Payments Acts, 1967 to 2003 based on the following criteria.

| Date of Birth | Employment started | Employment ended | Gross weekly pay |
|---------------|--------------------|------------------|------------------|
| 09/01/1945 | 07/01/2000 | 15/04/05 | €190-00 |

The evidence having shown that the appellant received the requisite amount of notice, the claim under the Minimum Notice and Terms of Employment Acts, 1973 to 2001 must fail.

Sealed with the Seal of the
Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)