

## EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:

CASE NO.

Employee

RP65/2006

MN77/2006

WT28/2006

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 1998. 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: 4<sup>th</sup> November 1958  
Date of Commencement: 1<sup>st</sup> January 1998  
Date of Termination: 1<sup>st</sup> November 2004  
Gross Weekly Pay: €600.00

The Tribunal awards the appellant the amount of €2,400.00 (being four 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 €720.00 (being six days' leave) under the Organisation of Working Time Act, 1997.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

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