

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:
Employee

CASE NO.
RP658/2006

against
Employer

under

REDUNDANCY PAYMENTS ACTS, 1967 TO 2003

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr J. Fahy BL

Members: Mr. J. Redmond
Dr. A. Clune

heard this appeal at Galway on 25th January 2008

Representation:

Appellant(s) : Terry Delaney, CWU, 575 North Circular Road, Dublin 1

Respondent(s) : Company Representative

The decision of the Tribunal was as follows:-

This case was heard in conjunction with K29863 – Employee and Others –v- Employer

Appellant's Case:

The appellant stated she had commenced employment with the respondent on January 23rd 2001 until December 2nd 2005. She stated that she had been informed that a new company (hereafter known as C) was taking over the business of the respondent company. Staff were given the option of claiming redundancy from the respondent company or be taken on by C. She elected to work for C. She never signed anything to state she was resigning from the respondent company. She stated that she was still working for C.

Determination:

Having heard the evidence adduced the Tribunal determines that the appellant is not entitled to a redundancy payment as set out in the Redundancy Payments Acts, 1967 to 2003 as it was clear that a transfer of undertakings took place and the appellant elected to take up employment with the new company. According the appeal fails.

Sealed with the Seal of the
Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)