

EMPLOYMENT APPEALS TRIBUNAL

APPEALS OF:

Employee

against

Employer

under

CASE NO.

RP314/2007

MN478/2007

WT203/2007

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

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms. P. McGrath BL

Members: Mr. F. Moloney
Ms. C. Warnock

heard this appeal at Navan on 4th March 2008

Representation:

Appellant: Mr Loman Murtagh, No 9 Batterstown, Dunboyne, Co. Meath

Respondents: Mr Robert Dore of Dore & Company Solicitors. 2 City Gate, Bridge Street, Dublin 8

The decision of the Tribunal was as follows:-

The Tribunal accepted that a transfer of undertaking had occurred and the O'Sullivan family were discharged as respondents. The Tribunal finds that the respondent in this case is Marshallstown Enterprises Limited.

Claimant's Case:

The claimant gave evidence. She worked part time in XXXX pub. She did not have a contract of employment. She was paid in cash every week. She did not receive pay slips.

The claimant accepted that she had received two cheques for €960.96 and €286.00 and a cash payment of €394.24.

Respondent's Case:

A director of the respondent gave evidence. The claimant was made redundant because the business was not going well. The lease on the pub was surrendered. She paid the claimant €1,355.20 redundancy payment and €286.00 holiday pay.

Determination:

The Tribunal finds that the claimant worked her notice and therefore her claim under the Minimum Notice and Terms of Employment Acts, 1973 to 2001 fails.

The Tribunal also finds that the claimant received a payment for holiday pay and therefore her claim under the Organisation of Working Time Act, 1997 fails.

The Tribunal finds that the claimant was made redundant and is entitled to a payment under the Redundancy Payments Acts, 1967 to 2003 based on the following information:

Date of Birth:	26 August 1956
Date of Commencement:	30 October 1996
Date of Termination:	1 June 2007
Gross pay:	€ 156.00

The respondent is found to be entitled to a credit of €1,355.20 for redundancy payment already made.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____

(CHAIRMAN)