

EMPLOYMENT APPEALS TRIBUNAL

CLAIMS OF:

CASE NO.

Employee

UD302/2005
RP141/2005
MN215/2005
WT84/2005

against
Employer

under

UNFAIR DISMISSALS ACTS, 1977 TO 2001
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. J. Sheedy

Members: Mr. M. Forde
Mr. T. Kennelly

heard this claim at Limerick on 24th April 2008

Representation:

Claimant: In Person

Respondent: Ms. Una M. T. Power, John J.M. Power, Solicitors, Hospital, Co. Limerick

The determination of the Tribunal was as follows:

The Tribunal heard that the respondent company ceased trading in December 2004. Subsequently the respondent's employees commenced employment with a new company. The Tribunal heard evidence on this matter and was satisfied there was not a transfer of undertakings between the respondent and the new employer. The Tribunal finds that the claimant is entitled to a lump sum payment under the Redundancy Payments Acts, 1967 to 2003 and based on the following criteria:

Date of Birth: 26 June 1950
Date of Commencement: 1 June 1998
Date of Termination: 22 December 2004
Gross Weekly Pay: €554.00

The Tribunal having found that the claimant's employment was terminated by reason of redundancy hereby dismiss the claim under the Unfair Dismissals Acts, 1977 to 2001, the two

being mutually exclusive.

At this hearing it was not established to the satisfaction of the Tribunal that the respondent was in breach of the Minimum Notice and Terms of Employment Acts, 1973 to 2001 and the Organisation of Working Time Act, 1997 and therefore the claims before the Tribunal fall.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)