

Correcting Order

**EMPLOYMENT APPEALS TRIBUNAL**

APPEALS OF:  
Employee

CASE NO.  
RP212/2008  
MN244/2008  
WT129/2008

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 J. O'Connor  
Members: Mr. M. Forde  
              Mr K. O'Connor

heard this appeal at Killarney on 6th October 2008

Representation:

Appellants: Mr. Andrew McCarthy, Branch Secretary, Siptu,  
Connolly Hall, Upper Rock Street, Tralee, Co. Kerry

Respondents: Eamonn Kelly, Solicitor, Iveragh Road, Killorglin,  
Co Kerry for Tom Sheehan Costcutters, Rathmore, Co. Kerry

No appearance or representation for XXXX

This order corrects the original Order dated 20<sup>th</sup> October 2008 and should be read in conjunction with that Order.

The Third named Appellant ref: RP212/2008, MN244/2008, commenced work with the Respondent on **27<sup>th</sup> November 2000** and not 27<sup>th</sup> November 2002 as stated in the original order

Sealed with the Seal of the  
Employment Appeals Tribunal

This \_\_\_\_\_

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

## EMPLOYMENT APPEALS TRIBUNAL

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### Representation:

Appellants: Mr. Andrew McCarthy, Branch Secretary, Siptu,  
Connolly Hall, Upper Rock Street, Tralee, Co. Kerry

Respondents: Eamonn Kelly, Solicitor, Iveragh Road, Killorglin,  
Co Kerry for Tom Sheehan Costcutters, Rathmore, Co. Kerry

No appearance or representation for Michael Hunt Costcutters,  
Rathmore, Co. Kerry

### **Determination:**

The first named Respondent did not appear nor were they represented. The second named Respondent attended and was represented. The Appellants attended and were represented.

The Tribunal is satisfied that the first named Respondent was properly notified of the hearing.

The Tribunal determine from the evidence adduced that the first named Respondent was the employer in this case as there was a transfer of undertaking.

Name Employee	Case No	Started Date	Ended Date	Dismissed Date	Due Notice	Total Min Not	Pay € Gross
First named Appellant	RP210/2008	25-08-02	08-01-08	08-01-08	4 weeks	1107.20	276.80
	MN242/2008						
	WT127/2008						
Second named Appellant	RP211/2008	01-01-02	08-01-08	08-01-08	4 weeks	1487.80	371.95
	MN243/2008						
	WT128/2008						
Third named Appellant	RP212/2008	27-11-02	08-01-08	08-01-08	4 weeks	768.00	192.00
	MN244/2008						
	WT129/2008						

Having heard the evidence the Tribunal awards the Appellants a statutory redundancy lump sum payment under the Redundancy Payments Acts, 1967 to 2003, for the cases ref: RP210/2008, RP211/2008, RP212/2008, based on the details on the attached schedule.

The appeals under the Minimum Notice and Terms Of Employment Acts, 1973 to 2001, succeed and are awarded as per the attached schedule for the cases, ref: MN242/2008, MN243/2008, MN244/2008.

The Tribunal makes no award under the Organisation Of Working Time Act, 1997, for the cases, ref: WT127/2008, WT128/2008, WT129/2008.

It should be noted that payments from the social insurance fund are subject to a weekly ceiling.

These awards are made subject to the Appellants having been in insurable employment under the Social Welfare Acts during the relevant period.

Sealed with the Seal of the  
Employment Appeals Tribunal

This \_\_\_\_\_

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