

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:
Employee - *appellant*

CASE NO.

RP1021/2008

against
Employer - *respondent*

under

REDUNDANCY PAYMENTS ACTS, 1967 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr. D. Mac Carthy S C

Members: Mr J. Hennessy
Mr B. Byrne

heard this appeal at Kilkenny on 23rd April 2009

Representation:

Appellant(s) : In Person

Respondent(s) : In Person

The decision of the Tribunal was as follows:-

Determination

The appellant was employed from 10 May 2004 working in a garden centre in premises which was acquired by the respondent in July 2007. Before the transfer of the business she actually worked for five months a year in those premises and the remaining seven months in another business which was not in any way connected to the above named respondent. The respondent made changes in the business by including a farm shop as well as a garden centre business. However the Tribunal is satisfied that there was a transfer of business within the meaning of the Redundancy Payments Acts.

From the date of the transfer she worked continuously in the respondent's premises until the 5 September 2008. The Tribunal finds that there was a transfer of the business in the premises which the respondent acquired, but there was no transfer of the other business. The Tribunal finds that the appellant is entitled to a redundancy lump sum payment based on the following information.

Date of Birth: 16 September 1981
Date of commencement of employment: 10 May 2004
Date of termination of employment: 5 September 2008
Gross weekly pay: € 362.20

A total period of 14 months, when the appellant worked in the other business is not reckonable service in computing the redundancy lump sum payment. This treatment of reckonable service applies only to the three year period ending 5 September 2008 because of the provisions of section 12 (b) of the amending Act of 2003.

This award is made subject to the appellant 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)

