

## EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:  
EMPLOYEE - *appellant*

CASE NO.

RP114/2009

against

EMPLOYER - *respondent*

under

### REDUNDANCY PAYMENTS ACTS, 1967 TO 2007

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Ms. P. McGrath BL  
Members: Ms. A. Gaule  
Ms. M. Mulcahy

heard this appeal at Dublin on 27th October 2009

Representation:

Appellant: In person

Respondent: In person

### Determination:

The Tribunal is satisfied, based on the evidence adduced on behalf of the appellant and the respondent, that the appellant's period of service with the respondent should be taken to have commenced on the 1<sup>st</sup> May 2001 and ended by way of redundancy on the 10<sup>th</sup> October 2008.

The respondent company was subject to a transfer of undertaking in and around late 2002 when a non-shareholding director took over the company during a period of growth and expansion. From the appellant's perspective the take over was seamless and he continued in his same job on his same salary and in his same place of work.

The net effect of the Tribunal's finding is to extend the period of service to be used for the purpose of calculating the appellant's redundancy lump sum. The Tribunal awards the appellant a redundancy lump sum under the Redundancy Payments Acts, 1967 to 2007, based on the following information:

Date of Birth	08 April 1971
Employment commenced	01 May 2001
Employment ended	10 October 2008
Gross weekly pay	€1115.38

This award is made subject to the appellant having been in insurable employment under the Social Welfare Acts during the relevant period.

It should be noted that payments from the social insurance fund are limited to a maximum of €600.00 per week.

It should be noted that the appellant has already received a redundancy lump sum payment of €7536.00 and the respondent employer received a rebate of €4521.60.

Sealed with the Seal of the  
Employment Appeals Tribunal

This \_\_\_\_\_

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