

EMPLOYMENT APPEALS TRIBUNAL

CLAIMS OF:

CASE NO.

EMPLOYEE

- **claimant**

MN1036/2009

WT451/2009

RP1167/2009

UD1024/2009

against

EMPLOYER

EMPLOYER

- **respondent**

under

**MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2005
ORGANISATION OF WORKING TIME ACT, 1997
REDUNDANCY PAYMENTS ACTS, 1967 TO 2007
UNFAIR DISMISSALS ACTS, 1977 TO 2007**

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr R. Maguire, B.L.

Members: Mr W. Power
Mr M. O'Reilly

heard this claim at Dublin on 8th April 2010

Representation:

Claimant :

In person

Respondent :

Not present or represented

The determination of the Tribunal was as follows:-

Claimant's case:

The claimant in her evidence told the Tribunal that she did the alterations at the respondent's drycleaning premises in Blanchardstown. She went in to work in or around 15th October 2008 and wastold that the alterations part of the business was moving to Swords. The claimant does not

drive. The respondent said he would give her a lift and while she worked in Swords a couple of times this was only because the respondent gave her a lift in the mornings and on a few occasions he got her a taxi home. Mr R runs the business and as far as she was aware he was the owner but she heard there were partners also in the business.

The business is still running in Blanchardstown but the alterations part of the business has been replaced by a heel bar. The claimant was the only one who worked on the machines and the respondent had no problem with her work. She thought she might be offered a job at the counter. She told the respondent she would help him out, she had no problem with him. When she told the respondent she was entitled to redundancy his accountant advised him not to pay her as others would then be also looking for money. She was told there was a job there for her but the job was in Swords. As far as she was aware she was paid her holiday entitlements.

Determination:

The Tribunal is satisfied that the claimant is entitled to a redundancy lump sum under the Redundancy Payments Acts, 1967 to 2007 based on the following:

Date of Birth	02 nd September 1955
Date employment commenced	15 th January 2006
Date employment ended	06 th December 2008
Gross weekly pay	€164.80

Please note that this award is being made subject to the claimant having been in insurable employment under the Social Welfare Acts during the relevant period

The claimant is also entitled to €329.20 which is the equivalent of two weeks pay under the Minimum Notice and Terms of Employment Acts, 1973 to 2005.

It is not clear whether the named respondent is an individual or a partnership trading name. They are jointly and severally liable.

The claims under the Unfair Dismissals Acts, 1977 to 2007 and the Organisation of Working Time Act, 1997 are dismissed

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

