

EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:

EMPLOYEE

- *claimant*

CASE NO.

RP2377/2009

WT230/2010

Against

EMPLOYER

- *respondent*

under

REDUNDANCY PAYMENTS ACTS, 1967 TO 2007 ORGANISATION OF WORKING TIME ACT, 1997

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr. D. Mac Carthy, S C

Members: Mr J. Hennessy
Mr A. Butler

heard this appeal at Abbeyleix on 1st April 2010

Representation:

Appellant: Farrell & Partners Solicitors, O'Connor Square, Tullamore, Co. Offaly

Respondent: Clarke Jeffers, 30 Dublin Street, Carlow

The decision of the Tribunal was as follows:-

Determination

At the outset of the hearing there was an issue raised in relation to continuity of service and whether or not a transfer of undertakings had taken place. The appellant told the Tribunal that a transfer situation did not exist and he continued to work for the respondent under the same conditions. The respondent agreed that the appellant continued working in the same building, doing the same work, under the same supervision but for a separate entity.

Based on the evidence presented at the hearing the Tribunal are satisfied that a transfer situation arose and the appellant's employment with the respondent was continuous. Therefore, the appellant is entitled to a redundancy lump sum payment based on the following criteria:

Date of Birth:	11 th December 1985
Date of Commencement:	7 th November 2005
Date of Termination:	10 th April 2009
Gross Pay:	€528.85

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 per week.

The respondent agreed to the inclusion of a claim under the Organisation of Working Time Act, 1997 and further agreed that the appellant is entitled to payment of €474.51 in respect of five days holidays under the Organisation of Working Time Act, 1997.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

