

EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:

EMPLOYEE

- *appellant*

CASE NO.

RP2113/2009

Against

EMPLOYER

- *respondent*

under

REDUNDANCY PAYMENTS ACTS, 1967 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr. D. MacCarthy, S.C.

Members: Mr J. Hennessy
Mr A. Butler

heard this appeal at Abbeylax on 31st March 2010

Representation:

Appellant: In Person

Respondent: In Person

The decision of the Tribunal was as follows:-

At the outset of the hearing the Tribunal heard that a redundancy situation did exist but the respondent and appellant did not agree on the date of commencement to be used when calculating the statutory redundancy entitlement due to the appellant.

The appellant told the Tribunal that she commenced employment with the company in January 1999 and that her employment was continuous until her date of termination on 12th December 2008. The appellant worked for two different organisations before the respondent became her employer. This had involved two transfers of undertakings.

The respondent told the Tribunal that she took over the operation of the business, which was a franchise company, in 2005 and as far as she was concerned the appellant became an employee of hers in July 2005. When the respondent took over the business, the appellant's salary changed and her title changed to office manager.

Determination:

Based on the evidence heard the Tribunal determines that while the nature and details of the activity changed it was nonetheless the same business carried out and therefore the service is deemed to be

continuous from January 1999 to December 2008.

The Tribunal finds that the appellant was dismissed by reason of redundancy and is entitled to a redundancy payment based on:

Date of Birth:	29 th May 1961
Service from:	1 st February 1999 to 12 th December 2008
Normal Weekly Remuneration:	€576.92
Amount of Redundancy:	€11,965.32

This award is subject to the appellant having been in employment, which is insurable for all purposes under the Social Welfare Consolidation Act 2005.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

