

## EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:

CASE NO.

EMPLOYEE

RP1431/2009

*appellant*

Against

EMPLOYER  
EMPLOYER

*respondent*

under

### **REDUNDANCY PAYMENTS ACTS, 1967 TO 2007**

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Mr J. Lucey

Members: Mr. W. O'Carroll  
Mr T. Kelly

heard this appeal at Limerick on 23rd July 2010

Representation:

Appellant(s): The appellant in person

Respondent(s): XXXXXXXXXXXXXXX

The decision of the Tribunal was as follows:-

#### **Appellant's Case**

The appellant told the Tribunal that she commenced employment as a cleaner with the respondent on 25 September 2002. She received an undated letter from the respondent that a cleaning contract was being withdrawn on 23 May 2009 and the respondent was not in a position to transfer her to another site. Her employment ceased on 22 May 2009. After this the appellant signed a contract with another company and she commenced employment on 25 May 2009.

#### **Respondent's Case**

TK told the Tribunal that a transfer of undertaking took place with his company and he could no longer provide a cleaning service for a facility where the appellant was employed. He spoke to the person in charge of the facility and requested that the appellant be retained, as it was not feasible for him to continue to provide the cleaning service.

In cross examination when put to him that the company that took over the cleaning contract did not take on the respondent's employees he replied that he was the only one that lost out.

## **Determination**

The Tribunal finds that a redundancy situation existed and that the appellant is entitled to a redundancy lump sum payment under the Redundancy Payments Acts, 1967 to 2007 based on the following criteria: -

Date of Birth	03 March 1959
Date employment commenced	25 September 2002
Date employment ceased	22 May 2009
Gross weekly pay	€161.00

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

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

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

