

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:
EMPLOYEE

CASE NO.
RP966/2009

against

EMPLOYER

under

REDUNDANCY PAYMENTS ACTS, 1967 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr. J. Lucey

Members: Mr. P. Casey
Mr. D. McEvoy

heard this appeal in Ballincollig on 15 April 2010

Representation:

Appellant:

Mr. Daniel Snihur, Independent Workers Union,
55 North Main Street, Cork

Respondent :

Mr. Jim Healy, IBEC Mid-West,
Gardner House, Bank Place,
Charlotte Quay, Limerick

The decision of the Tribunal was as follows:-

The appellant sought a redundancy payment in respect of an employment from 4 November 2005 to 6 February 2009.

The respondent sent a written defence stating that the appellant had resigned and that there never been any question of redundancy or any evidence to support such a contention.

At the hearing the respondent's representative told the Tribunal that on 10 December 2007 there had been a transfer of business to another company (hereafter referred to as X) but that this had not been formally communicated to staff. He submitted that the Tribunal might now amend the name of the company against which the appellant was bringing a case.

The appellant's representative referred the Tribunal to the respondent's written defence which had

made no mention of this transfer. The respondent's representative replied that his side had mixed the appellant up with another lady with the same christian name and a similar surname. The appellant's representative stated that, having received the respondent's written defence, his side had thought that the hearing was going ahead but that he wanted an order against the right employer.

The Tribunal was shown documentation which did indicate that X had become the appellant's employer.

Determination:

The Tribunal notes the statement of the appellant's representative that there was no desire to obtain a redundancy award against an incorrect employer. The appeal under the Redundancy Payments Acts, 1967 to 2007, against the respondent named on this determination fails because the Tribunal was not satisfied that the case was brought against the correct employer.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)