

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:

EMPLOYER

against

8 EMPLOYERS

CASE NO.

RP457/2007

MN664/2007

under

**REDUNDANCY PAYMENTS ACTS, 1967 TO 2003
MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2001**

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr J Flanagan BL

Members: Mr M Noone
Mr P Trehy

heard this appeal at Dublin on 25th June 2008 and on 8th September 2008

Representation:

Appellant(s): In person.

Respondent(s): No appearance or representation.

The decision of the Tribunal was as follows: -

Determination:

For the avoidance of doubt the respondents are enumerated in the order in which they appear on this determination and not as they appear on the Form T1A. The Tribunal is satisfied that the eighth named respondent is not a legal person but a mere trading name. The Tribunal has heard the uncontroverted evidence of the appellant and therefore dismisses all claims against the fourth, fifth, sixth, seventh and eighth named respondents.

The Tribunal is satisfied that second and third named respondents are directors of the first named respondent and that this company was dissolved at the material times. The Tribunal notes that there was a failure by the employers to ensure full tax compliance in respect of the appellant and that the

Revenue Commissioners are aware of this situation. The Tribunal finds that the first, second and third named respondents were the joint employers of the appellant and the Tribunal makes the following awards against the first, second and third named respondents with joint and several liability.

The Tribunal finds that the appellant was remunerated at a rate of €450 gross.

The Tribunal awards the appellant €1800 under the Minimum Notice And Terms Of Employment Acts, 1973 to 2001 (being four weeks minimum notice).

The Tribunal awards the appellant redundancy under the Redundancy Payments Acts, 1967 to 2003 calculated in accordance with the following criteria:

Date of Birth	3 rd June 1982
Date of Commencement of Employment	5 th March 2001
Date of Termination of Employment	18 th April 2007
Gross Weekly Remuneration	€450.00

This award is made subject to the appellant having been in insurable employment in accordance with the Social Welfare Acts during the relevant period. It should be noted that payments from the social insurance fund are limited to a statutory maximum of €600 per week.

The date of termination of employment is the last day worked plus four weeks statutory notice. The Tribunal understands that the appellant has been paid redundancy by the redundancy payments section of the Department of Enterprise, Trade and Employment subsequent to the hearing of the case on foot of the receipt of a Form RP 50.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)