

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:
EMPLOYEE - appellant

CASE NO.
RP1837/2009

against

EMPLOYER - first respondent

and

EMPLOYER - second respondent

and

EMPLOYER - third respondent

under

REDUNDANCY PAYMENTS ACTS, 1967 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr. N. Russell

Members: Mr. J. Hennessy
Ms. S. Kelly

heard this appeal in Waterford on 22 July 2010

Representation:

Appellant(s):
In person

First Respondent(s):
Mr Pat O'Donovan, FCCA,
The Greenbank House,
5 Bridge Street, Waterford

Second Respondent(s):

No attendance or representation

Third Respondent(s):

No attendance or representation

The decision of the Tribunal was as follows:-

The appellant sought a redundancy award on the grounds that his employment which had commenced on 15 March 2006 had ended by reason of redundancy on 15 May 2009. His gross weekly pay was €644.00.

The appellant named three respondents (a company and two private individuals) as respondents. One of the private individuals (DMCG) attended the hearing. He and his representative told the Tribunal that the company had never traded and that DMCG had not been the appellant's employer. It appeared from pleadings and documentation that the appellant had been employed by the third respondent (FT) and not by either of the other two respondents.

No evidence was offered by or on behalf of the third respondent.

Determination:

Under the Redundancy Payments Acts, 1967 to 2007, the Tribunal finds that the appellant was indeed employed by the third respondent, against whom this determination is therefore made, and is entitled to a redundancy lump sum based on the following details:

Date of birth:	27 October 1966
Date of commencement:	15 March 2006
Date of termination:	15 May 2009
Gross weekly pay:	€644.00

It should be noted that payments from the social insurance fund are limited to a maximum of €600.00 per week.

This award is made subject to the appellant having been in insurable employment under the Social Welfare Acts during the relevant period.

Sealed with the Seal of the
Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)