

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:
EMPLOYEE

- appellant

CASE NO.

RP2478/2009
MN1740/2010

against
EMPLOYER
and
EMPLOYER
- *respondents*

under

MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS 1973 TO 2005 REDUNDANCY PAYMENTS ACTS, 1967 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms. K. T. O'Mahony B.L.

Members: Mr T. Gill
Mr T. Kelly

heard this appeal at Nenagh on 27th September 2010

Representation:

Appellant(s) : In Person

Respondent(s) : In Person

The decision of the Tribunal was as follows:-

Preliminary Point

The Tribunal acceded to a request to have a claim for minimum notice added to the proceedings as the claimant had made reference to the fact that she was owed two weeks' minimum notice on her T1A form.

Summary of Evidence

The respondents bought the business, building and contents from the appellant's previous employer. The appellant had worked for the previous employer from May 2005. The business

closed down for one week and then re-opened carrying on similar business to the appellant's previous employer. The appellant was offered employment by the respondents following the re-opening of the business. She accepted the offer and continued working for the respondents until the business closed on 8 October 2008. She did not receive any notice of the fact that her employment was finished.

Determination

The Tribunal is satisfied that there was a transfer of the business from the former owner to the respondents within the meaning of the European Communities (Protection of Employees on Transfer of Undertakings) Regulations 2003. Accordingly the appellants' service was continuous from the time of her commencement with the former owner on or around 15 May 2005 to the date of the termination of her employment with the respondents on 8 October 2008. The Tribunal is satisfied that the appellant was dismissed by reason of redundancy and awards the appellant a redundancy lump sum payment under the Redundancy Payments Acts 1967 to 2007 based on the following information.

Date of Birth:	15 July 1960
Date of commencement of employment:	15 May 2005
Date of termination of employment:	8 October 2008
Gross weekly pay:	€400.00

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

The Tribunal also awards the appellant the sum of €800.00, being the equivalent of two weeks pay under the Minimum Notice and Terms of Employment Acts 1973 to 2005.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

