

EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:	CASE NO.
EMPLOYEE – First Named Appellant	RP517/2010 MN312/2010
EMPLOYEE – Second Named Appellant	RP546/2010 MN335/2010
EMPLOYEE – Third Named Appellant	RP643/2010 MN414/2010
EMPLOYEE – Fourth Named Appellant	RP852/2010 MN1871/2010
EMPLOYEE – Fifth Named Appellant	RP853/2010 MN1872/2010

against

EMPLOYER
–**Respondent**

under

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

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms. V. Gates B.L.

Members: Mr. C. Lucey
Mr. N. Dowling

heard this appeal at Dublin on 26 October 2010

Representation:

Appellants:
All in person

Respondent:
Ms. Jennifer Barry of the liquidator's office

The determination of the Tribunal was as follows:

Determination:

It being established that the first three named appellants had received their entitlements under the Minimum Notice and Terms of Employment Acts those appeals were withdrawn. The appeals of the first three named appellants under the Redundancy Payments Acts were conceded. The appeals of the fourth and fifth appellants under the Redundancy Payments Acts were conceded on the basis that, whilst the fourth named appellant was employed to cover the fifth named appellant's duties, when she became unable to perform her duties because of illness, in February 2007 her employment was not terminated before the other appellants were dismissed when the respondent ceased trading. The appeals of the fourth and fifth named appellants under the Minimum Notice and Terms of Employment Acts were also conceded. Accordingly, the Tribunal is satisfied that the appellants are entitled to lump sum payments under the Redundancy Payments Acts, 1967 to 2007 as set out in the following schedule. The Tribunal further awards the amounts shown in the schedule under the Minimum Notice and Terms of Employment Acts, 1973 to 2005

Appellant	Date of Birth	of Employment Began	Employment Ended	Gross Weekly Pay	MN weeks award	Minimum Notice Award
1st Named	21 February 1979	5 March 2007	15 January 2010	€707-31		
2nd Named	6 January 1956	13 June 2002	15 January 2010	€536-54		
3rd Named	14 November 1967	10 April 2002	29 January 2010	€817-50		
4th Named	19 January 1987	13 February 2007	29 January 2010	€125-00	2	€250-00
5th Named	2 May 1959	5 April 2002	29 January 2010	€125-00	4	€500-00

In the case of the fifth named appellant there is a period of non-reckonable service, by reason of illness from 14 August 2007 until 29 January 2010.

These awards are made subject to the appellants having been in insurable employment under the Social Welfare Acts during the relevant period. It should be noted that payments from the social insurance fund are limited to a maximum of €600-00 per week

Sealed with the Seal of the
Employment Appeals Tribunal

This _____

(Sgd.) _____

(CHAIRMAN)