

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:
EMPLOYEE – *appellant*

CASE NO.
RP2878/2009

against

EMPLOYER – *respondent*

under

REDUNDANCY PAYMENTS ACTS, 1967 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms P Clancy

Members: Mr W O'Carroll
Mr T Kelly

heard this appeal at Limerick on 29th November 2010

Representation:

Appellant(s): Mr Gerard Tobin
Limerick Citizens Information Centre, 54 Catherine Street, Limerick

Respondent(s): No appearance or representation

The decision of the Tribunal was as follows:

There was no appearance by or representation on behalf of the respondent. The Tribunal is satisfied that the respondent was on notice of the hearing.

The appellant gave evidence that she worked as a childminder at the respondent's childcare business. She commenced her employment in June 1994. The respondent took over the running of the business in July 2008. The employer's name on the appellant's payslip was changed to the respondent's name with 'limited' after it. The P45, issued in October 2009, also stated the same name as the employer. However, there was no such entity registered with the Companies Registration Office.

On September 21st 2009 the appellant was given notice of the closure of the business. The appellant's employment finished on October 2nd 2009. The respondent refused to pay the appellant a redundancy lump sum payment. The appellant and a colleague went to the respondent's house to ask her to sign redundancy forms but she closed the door on them.

Determination:

Having heard the uncontested evidence of the appellant the Tribunal finds that a redundancy situation existed and that the appellant is entitled to a redundancy lump sum payment under the Redundancy Payments Acts 1967 to 2007 based on the following information:

Date of Birth: 6th July 1952
Date of Commencement: 13th June 1994
Date of Termination: 2nd October 2009
Weekly Gross Pay: €99.72

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)