

**EMPLOYMENT APPEALS TRIBUNAL**

APPEAL(S) OF:  
EMPLOYEE – *appellant*

CASE NO.  
RP2680/2009

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 chef at the respondent's childcare business. She began on September 2<sup>nd</sup> 2003. 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 14<sup>th</sup> 2009 the appellant was given two weeks' notice of the closure of the business. The appellant's employment finished on October 2<sup>nd</sup> 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: 4<sup>th</sup> March 1977  
Date of Commencement: 2<sup>nd</sup> September 2003  
Date of Termination: 2<sup>nd</sup> October 2009  
Weekly Gross Pay: €177.40

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)