APPEAL(S) OF:                                             CASE NO.

EMPLOYEE - *appellant*                                   RP206/2010


against

EMPLOYER - *respondent*

under

**REDUNDANCY PAYMENTS ACTS, 1967 TO 2007**

I certify that the Tribunal
(Division of Tribunal)

Chairman:   Mr J.  Fahy BL

Members:   Mr. W.  O'Carroll
           Ms H.  Henry

heard this appeal at Galway on 8th April 2011


Representation:
_____

Appellant(s) :     Mr. Ger O'Donovan BL instructed by Michael Quinn & Co, Solicitors, Level 1,
                   Liosban Business Park, Galway


Respondent(s) :    Mr. Alistair Purdy, Purdy Fitzgerald, Solicitors, Kiltartan House, Forster
                   Street, Galway

**Determination**

The Tribunal heard evidence from the appellant that he commenced employment as a forklift and truck driver with company X on 3 November 1990. Company X paid his wages up to a date in 2001. In or about 1996 the appellant had commenced training as a crane driver and from 1996 to 2001 continued to be paid by the same company. In 2001 while working in Westport he received a telephone call from his manager, (PC) and was advised that thereafter he would receive his wages from the respondent company and that there would be no change to the terms of his employment. Thereafter he continued working as a crane driver but also carried out deliveries of concrete products as part of his duties.


The Tribunal is satisfied that there was continuity of employment from 3 November 1990 until 8 September 2009 and accordingly awards the appellant a redundancy lump sum payment under the

Redundancy Payments Acts 1967 to 2007 based on the following information.

Date of Birth:                                    2 July 1968
Date of commencement of employment:  3 November 1990
Date of termination of employment:       8 September 2009
Gross weekly pay:                              €930.00

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

Please note that a weekly ceiling of €600 applies to all awards made from the Social Insurance Fund.

Sealed with the Seal of the

Employment Appeals Tribunal

This   _____

(Sgd.) _____
    (CHAIRMAN)