

EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:

CASE NO.

EMPLOYEE

RP1627/2010

against
EMPLOYER

under

REDUNDANCY PAYMENTS ACTS, 1967 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Dr. A. Courell B.L.

Members: Mr. P. Pierson
Ms. H. Henry

heard this appeal at Roscommon on 21st March 2011

Representation:

Appellant:

Mr. Conleth Harlow, Conleth Harlow & Co., Solicitors, The Square, Roscommon

Respondent:

No appearance by or on behalf of the respondent

There was no appearance by or on behalf of the respondent and the Tribunal is satisfied that the respondent was properly notified of the hearing.

Appellant's case

The appellant stated that she commenced employment with X on 5th July 1999 and that in or around June 2005 this business was taken over by the respondent. There was no consultation with employees prior to the take over and the appellant only found out about this through word of mouth. Business continued as usual at the same address, there was no break in service and the appellant's terms and condition of employment remained the same as before. The only difference as far as the appellant was concerned was that the sign displayed outside changed to that of the respondent.

On the 5th June 2009 the respondent informed the appellant that the business was closing and that she was being made redundant. A liquidator was appointed and he arranged for the payment of redundancy through the Social Insurance Fund. However when calculation the appellant's entitlement to redundancy the liquidator did not include the period prior to the transfer of the business to the respondent. The appellant received a redundancy lump sum payment

of €4,241.84.

Determination

Having considered the uncontested evidence of the appellant the Tribunal is satisfied that there was a transfer of undertakings from X to the respondent in or about June 2005 and that the appellant's employment continued with the respondent.

The Tribunal is also satisfied that the appellant was made redundant on 5th June 2009. Therefore the Tribunal awards the appellant a redundancy lump sum under the Redundancy Payments Act, 1977 to 2007 based on the following criteria but less €4,241.84 already paid to her.

DOB	17 th July 1971
Commencement Date	5 th July 1999
Date notice received	N/A
Termination date	5 th June 2009
Gross pay	€469.23

This award is made subject to the claimant having been in insurable employment, during the relevant period, in accordance with the Social Welfare Acts.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

