

EMPLOYMENT APPEALS TRIBUNAL

CLAIM(S) OF:

EMPLOYEE

- *first named claimant*

EMPLOYEE

- *second name claimant*

CASE NO.

RP730/2010

UD538/2010

MN475/2010

RP731/2010

UD539/2010

MN476/2010

against

EMPLOYER

- *respondent*

under

MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2005 REDUNDANCY PAYMENTS ACTS, 1967 TO 2007 UNFAIR DISMISSALS ACTS, 1977 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr G. Hanlon

Members: Mr. A. O'Mara
Mr O. Nulty

heard this claim at Drogheda on 28th April 2011

Representation:

Claimant(s) : Richard Grogan & Associates, Solicitors, 16 & 17 College Green, Dublin 2

Respondent(s) : Allen Reilly, Rathbody, Reaghstown, Co. Louth

The determination of the Tribunal was as follows:-

Background:

Both claimants gave evidence. No witnesses were present to give sworn evidence on behalf of the respondent. The respondent's Accountant was present to give a submission on behalf of the respondent company. The respondent's position was that the claimants were let go on July 17 2009 and were rehired as sub-contractors from 1 August 2009 to 19 November 2009. RDCDC forms were sent to both claimants with their P45 in December 2009. The second named claimant signed both documents, the first named claimant did not.

Both claimants stated they had continued in employment with the respondent until 19 November

2009 when they ceased to receive calls to turn up for work.

Determination:

Having carefully considered the evidence and submissions adduced by all parties in this case, the Tribunal finds that the appeals under the Redundancy Payments Acts, 1967 to 2007 succeed and awards the appellants a redundancy lump sum, which is to be calculated on the basis of the following criteria:

First Named Claimant:

Date of Birth:	18 November 1984
Date of Commencement:	13 September 2005
Date of Termination:	19 November 2009
Gross Pay:	€ 639.43

Second Named Claimant:

Date of Birth:	26 July 1985
Date of Commencement:	20 August 2006
Date of Termination:	19 November 2009
Gross Pay:	€ 639.43

The claims under the Unfair Dismissals Acts, 1977 to 2007 and the Minimum Notice and Terms of Employment Acts, 1973 to 2005 are dismissed.

A ceiling of € 600 applies to any payments from the Social Insurance Fund and this award is subject to the claimant having been in employment which is insurable for all purposes under the Social Welfare Consolidation Act 2005.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____

(CHAIRMAN)