

## EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:  
EMPLOYEE - *appellant*

CASE NO.

RP2334/2010

against  
EMPLOYER - *respondent No 1*

*EMPLOYER – respondent No 2*

under

### REDUNDANCY PAYMENTS ACTS, 1967 TO 2007

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Ms. E. Kearney BL

Members: Mr. W. O'Carroll  
Mr T. Brady

heard this appeal at Tullamore on 1st July 2011

Representation:

\_\_\_\_\_

Appellant(s) : In Person

Respondent(s) : No appearance by or on behalf of respondents

### Determination

The appellant gave evidence that he commenced working with the first named respondent company on 21 April 2002. The Tribunal is satisfied that a transfer of undertakings from the first named respondent to the second named respondent occurred and the employees transferred with the business on 1 January 2005. Accordingly the first named respondent has no liability under the Redundancy Payments Acts and the claim against the first named respondent fails.

The Tribunal is satisfied that the appellant received a redundancy payment in respect of his employment from 1 January 2005 until the termination of his employment on 21 August 2009. However the Tribunal finds that the appellant was in continuous employment from 21 April 2002 until 21 August 2009 and is therefore entitled to a further redundancy payment in respect of the period from 21 April 2002 until 1 January 2005.

The Tribunal awards the appellant a lump sum payment under the Redundancy Payments Acts

to 2007 against the second named respondent based on the following information:

Date of Birth:	27 May 1958
Date of commencement of employment:	21 April 2002
Date of termination of employment:	21 August 2009
Gross weekly pay:	€600.00

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)

