

## EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:  
EMPLOYEE

CASE NO.  
RP1269/2009

against  
EMPLOYER  
EMPLOYER  
EMPLOYER  
EMPLOYER  
under

### REDUNDANCY PAYMENTS ACTS, 1967 TO 2007

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Ms. K. T. O'Mahony B.L.  
Members: Mr D. Hegarty  
Mr O. Wills

heard this appeal at Cork on 24th May 2010

#### Representation:

Appellant: Charles J. O'Connor & Company,  
Solicitors, Scarteen Street, Newmarket, Co. Cork

Respondent: No appearance or representation

The decision of the Tribunal was as follows:-

The solicitor on behalf of the appellant told the Tribunal that he was having difficulty in identifying the appellant's employer and that Social Welfare was also having difficulty in the matter. The third named respondent was dissolved in April 2009.

The appellant told the Tribunal that he valeted cars in the same place under the same terms and conditions from the time he started work on 13 August 2002. The appellant worked for the second named respondent for several years beginning in 2002 to 2007 and is listed in that respondent's P35 which were signed by Mr. C. The P35 for 2008 was not before the Tribunal. The appellant was never made aware of any change of ownership of the business and continued on the same wage. There were no breaks in his service. On 13 June 2008 he received a phone call from Mr. C of the second named respondent telling him not to come to work the following day. He telephoned Mr. C on and off about work and Mr. C would tell him that he had no work at the time but that he would be starting up again. On 10 March 2009 the appellant was sent a P60 but it is not clear whether this was provided by the third named or fourth named respondent.

#### **Determination:**

The Tribunal is satisfied that the first, second and fourth named respondents were properly notified of the hearing and it notes that the third named respondent is dissolved.

Based on the uncontested evidence of the appellant, the Tribunal finds that the appeal under the Redundancy Payments Acts, 1967 to 2007 succeeds against the first, second and fourth named respondents and it awards the appellant a redundancy lump sum, which is to be calculated on the basis of the following criteria:

Date of Birth:	26 <sup>th</sup> June 1960
Date of Commencement:	13 <sup>th</sup> August 2002
Date of Termination:	13 <sup>th</sup> June 2008
Gross Pay:	€ 540.00

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)

rp1269.09