

## EMPLOYMENT APPEALS TRIBUNAL

APPEAL HAVE:  
EMPLOYEE

CASE NO.  
RP2089/2010

against

EMPLOYER -*respondent A*  
EMPLOYER -*respondent B*

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 J. Flavin

heard this appeal at Cork on 18th July 2011

#### **Representation:**

Appellant: In person

Respondent: Mr. Kevin Nagle, Babington Clarke & Mooney, Solicitors, 48 South Mall, Cork  
(*only for respondent A*)

The decision of the Tribunal was as follows:

Having heard and considered the evidence from all relevant parties the Tribunal finds that a transfer of undertaking occurred between the named respondents in this case. That transfer included the ongoing employment arrangement the appellant had with respondent *B* continuing with *respondent A* after the transfer. Respondent *A* terminated the appellant's employment by way of redundancy in April 2010. The appeal under the Redundancy Payments Acts, 1967 to 2007 against *respondent A* is therefore allowed and the appellant is awarded a statutory lump sum under those Acts and based on the following:

Date of Birth:	09 November 1954
Date of Commencement:	15 January 1990
Date of Termination:	25 April 2010
Non-Reckonable Service:	01 December 2007 to 01 April 2008 15 December 2008 to 03 April 2009
Gross Weekly Wage:	€284.00

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

The appeal under the Redundancy Payments Acts, 1967 to 2007 against *respondent B* fails.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

(Sad.) \_\_\_\_\_  
(CHAIRMAN)

