

## EMPLOYMENT APPEALS TRIBUNAL

CLAIMS OF:

CASE NO.

EMPLOYEE

*claimant*

UD690/2010

RP947/2010

MN649/2010

Against

EMPLOYER

*respondent*

under

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

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Mr J Flanagan BL

Members: Mr R Prole

Mr F Keogh

heard these claims at Dublin on 11<sup>th</sup> July 2011

Representation:

Claimant: Mr Donal Houlihan, Maguire McClafferty Solicitors,  
8 Ontario Terrace, Portobello Bridge, Dublin 6

Respondent: No appearance by or on behalf of the respondent

The determination of the Tribunal was as follows:

#### **Determination**

This claim was initiated by the filing of a Form T1A stating the name of the employer as a natural person and this form was received on 25<sup>th</sup> February 2010. The Tribunal has since received a letter dated 17<sup>th</sup> June 2011 from a firm of chartered accountants writing on behalf of a director of the respondent stating that this person was a director of the limited liability company and that the claimant was employed by the limited liability company rather than the director personally. A letter dated 5<sup>th</sup> July 2011 was received by the Tribunal on 6<sup>th</sup> July 2011 from the solicitor for the claimant accepting that the employer was indeed the limited liability company and enclosing a new Form T1A with the limited liability company named as the respondent herein. According to both the claimant and the firm of chartered accountants the claimant ceased employment for reason for redundancy on 22<sup>nd</sup> December 2009.

The Tribunal was provided with payslips and other documentation naming the respondent herein as

the employer. The Tribunal therefore amends the name of the respondent to that appearing above and also extends the time for the making of a claim for a lump sum. The Tribunal finds that there was reasonable cause to justify the extension of time for the making of a claim for a redundancy lump sum in order to permit the filing of a Form T1A upon the correctly named employer in circumstances where a T1A had been already served within the statutory time limit upon an incorrectly named employer as the result of *bona fide* error.

Based on the uncontroverted evidence of the claimant the Tribunal finds that the claimant is entitled to a lump sum payment under the Redundancy Payments Acts, 1967 to 2007 based on the following criteria

Date of Birth	4 <sup>th</sup> March 1967
Date of Commencement of Employment	2 <sup>nd</sup> March 2006
Date of Cessation of Employment	22 <sup>nd</sup> December 2009
Gross Weekly Pay	€800-00

This award is made subject to the appellant having been in insurable employment under the Social Welfare Consolidation Act, 2005 during the relevant period. It should be noted that payments from the social insurance fund are limited to a maximum of €600 per week

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

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

(Sgd.) \_\_\_\_\_  
(CHAIRMAN)