

## EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:  
EMPLOYEE

*-Appellant*

CASE NO.  
RP226/2010  
MN159/2010

against

EMPLOYER *-Respondent*

### 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. Revington SC

Members: Mr. B. Kealy  
Mr. F. Keogh

heard this appeal at Dublin on 14 October 2010 and 23 August 2011

#### **Representation:**

Appellant: Ms. Barbara Mebtouche, Triana, Independent Advice &  
Information Bureau, 13 Store Street, Dublin 1

Respondent: There was no appearance by the respondent on either date.

#### **The decision of the Tribunal was as follows:**

This case was heard simultaneously with RP903/2010.

At the hearing on 14 October 2010, a representative for another respondent named on form T1A, stated that it was her belief that the appellant may not have the requisite service of 104 weeks as stipulated by the Redundancy Payments Acts, 1967 to 2007, as she refuted that a series of transfer of undertakings had occurred.

It was the appellant's case that he had the requisite service required to qualify for a redundancy payment by virtue of a series of transfer of undertakings.

Two other individuals gave evidence to the Tribunal on 14 October 2010. All of the cases, including the appellant's case were adjourned. The Tribunal requested certain documentation for the next hearing date.

There was no appearance by or on behalf of the above-named respondent at the hearing on 23 August 2011.

The appellant claimed that his employment which commenced on 20 September 2005, ended by reason of redundancy on 13 October 2009. His gross weekly pay was €623.85.

The claim under the Minimum Notice and Terms of Employment Acts, 1973 to 2005, was not prosecuted at the hearing on 23 August 2011.

In sworn testimony to the Tribunal on 23 August 2011 the appellant's representative stated that she had spoken to the respondent's company secretary about a month earlier when the representative had received notification of the 23 August 2011 hearing, that the secretary had confirmed that she was aware of the hearing, had said that there was a social insurance fund and had sent blank redundancy forms.

**Determination:**

The claim under the Minimum Notice and Terms of Employment Acts, 1973 to 2005, falls for want of prosecution.

The Tribunal heard evidence from the appellant's representative who indicated under oath that she had spoke to the secretary of the respondent company and that the said secretary had been aware of the date of the 23 August 2011 hearing.

Under the Redundancy Payments Acts, 1967 to 2007, the Tribunal finds that the appellant is entitled to a redundancy lump sum based on the following details:

Date of birth:	4 January 1981
Date of commencement:	20 September 2005
Date of termination:	13 October 2009
Gross weekly pay:	€623.85

**Note:**

Payments from the Social Insurance Fund are limited to a maximum of €600.00 per week.

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)