

EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:

CASE NO.

EMPLOYEE – **Appellant**

RP2314/2010

against

EMPLOYER – **First Named Respondent**

EMPLOYER – **Second Named Respondent**

under

REDUNDANCY PAYMENTS ACTS, 1967 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms K.T. O'Mahony BL

Members: Mr G. Andrews
Ms P. Doyle

heard this appeal at Nenagh on 8 July
and 16 November 2011

Representation:

Appellant:
In person

Respondent:
No appearance by or representation on behalf of the respondents

The determination of the Tribunal was as follows:

Determination:

At the time of the first day of hearing the appellant, who had worked for the first named respondent for some 35 years, was seeking a lump sum payment under the Redundancy Payments Acts from the first named respondent. From the evidence adduced by the appellant it became apparent that, rather than being dismissed by the first named respondent, there appeared to have been a transfer of undertakings from the first named respondent to the second named respondent who is now the employer. The proceedings were then adjourned to allow the appellant to institute proceedings against the second named respondent. On the second day of hearing the Tribunal, being satisfied that the second named respondent was properly on notice of the hearing, found that as the appellant was still in the employment of the second named respondent and there had been a transfer of

undertakings from the first named respondent to the second named respondent then a claim under the Redundancy Payments Acts, 1967 to 2007 does not arise. Having found that there was a transfer of undertakings the Tribunal determines that the appellant has continuity of service from the time of the commencement of his employment with the first named respondent which carries into his employment with the second named respondent.

Sealed with the Seal of the
Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)