

EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:

CASE NO.

EMPLOYEE

RP304/2011

against

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
Ms H. Kelleher

heard this appeal at Cork on 3rd October 2011

Representation:

Appellant: The appellant in person

Respondent: Representative

Respondent's case

The respondent is a provider of security services. It bought certain business contracts from (ASN) in May 2010.

The appellant was dismissed by ASN in January 2009 and successfully brought a claim for unfair dismissal to the Employment Appeals Tribunal and was awarded €4,000.00. Therefore, it is the respondent's case that they never employed the appellant.

Appellant's case

The appellant agreed that he received an award under the Unfair Dismissals Acts, 1977 to 2007 in relation to a claim against ASN. However, as this award was made subsequent to the respondent's take-over of the contract under which he was engaged, the appellant contended that he was part of ASN's workforce until such time as the Tribunal's determination of his unfair dismissal was issued, and that accordingly he was part of the workforce that transferred when the contract changed hands, and that he ought to have been paid a redundancy lump sum if his services were no longer required.

Determination

The Tribunal is satisfied that the appellant was dismissed from his employment in January 2009 by his then employer ASN. The appellant was not at any time employed by the respondent and therefore can have no claim against the respondent under the Redundancy Payments Acts, 1967 to 2007. Accordingly, this appeal is dismissed.

Sealed with the Seal of the
Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

