

EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:
EMPLOYEE

CASE NO.
RP3159/2010, MN2297/2010

against

EMPLOYER

Under

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. P. Meghen

Members: Mr. W. O'Carroll
Mr F. Dorgan

heard this appeal at Limerick on 18th May 2012

Representation:

Appellant : Mr. Michael O'Donnell, Solicitor, Main Street, Rathkeale, Co Limerick

Respondent : No representation listed

The decision of the Tribunal was as follows:

Having heard and carefully considered the evidence of both parties the Tribunal finds that a Transfer of Undertaking involving the appellant did not occur in this case. The appellant's subsequent employment following her cessation with the respondent can be regarded as the start of a new and fresh working relationship with a different employer. The Tribunal finds that this termination of employment was by way of redundancy and allows the appeal under the Redundancy Payments Act, 1967 to 2007 and based on the following:

Date of Birth: 20 December 1973
Date of Commencement: 12 November 2007
Date of Termination: 28 February 2010
Gross Weekly Wage: €464.42

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

Evidence was given that the appellant was aware in excess of two weeks in advance that the respondent was ceasing business and therefore her appeal under the Minimum Notice and Terms of Employment Acts, 1973 to 2005 must fall.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

