

**EMPLOYMENT APPEALS TRIBUNAL**

APPEAL(S) OF:		CASE NO.
EMPLOYEE	<i>-Appellant A</i>	RP209/2011 MN176/2011
EMPLOYEE	<i>-Appellant B</i>	RP281/2011 MN238/2011
EMPLOYEE	<i>-Appellant C</i>	RP282/2011 MN239/2011
EMPLOYEE	<i>-Appellant D</i>	RP574/2011 MN446/2011

against

EMPLOYER	<i>-Respondent</i>
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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 N. Russell

Members: Mr J. Hennessy  
Mr F. Dorgan

heard this appeal at Kilkenny on 2nd March 2012

**Representation:**

Appellants: Richard Grogan & Associates, Solicitors, 16 & 17 College Green, Dublin 2

Respondent: Ms. Muireann McEnery, Peninsula Business Services (Ireland) Ltd,  
Unit 3, East Point Business Park, Dublin 3

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

The respondent company conceded that appellants A, B and D are entitled to a redundancy payment but stated that Appellant C had already received a redundancy payment. The respondent disputed the minimum notice claims on the basis that the appellants each served an RP9 on the respondent company.

## **Determination:**

The Tribunal finds that appellants A, B, and D are entitled to a lump sum payment under the Redundancy Payments Acts, 1967 to 2007, based on the following criteria:

### Appellant A:

Date of Birth:	26 February 1988
Date of Commencement:	15 June 2007
Period of non-reckonable service:	27 September 2010 to 6 December 2010
Date of Termination:	6 December 2010
Gross Weekly Pay:	€600.00

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

### Appellant B:

Date of Birth:	11 July 1966
Date of Commencement:	9 March 2005
Period of non-reckonable service:	27 September 2010 to 20 December 2010
Date of Termination:	20 December 2010
Gross Weekly Pay:	€600.00

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

### Appellant D:

Date of Birth:	12 April 1985
Date of Commencement:	6 March 2006
Period of non-reckonable service:	27 September 2010 to 7 January 2011
Date of Termination:	7 January 2011
Gross Weekly Pay:	€600.00

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

The Tribunal dismisses the appeal of Appellant C under the Redundancy Payments Acts, 1967 to 2007, on the basis that he has received a redundancy payment.

The four claims under the Minimum Notice and Terms of Employment Acts, 1973 to 2005, are

dismissed by the virtue of the fact that the appellants each submitted an RP9 to the respondent company, thus disentitling them to a minimum notice payment.

Sealed with the Seal of the  
Employment Appeals Tribunal

This \_\_\_\_\_

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

(CHAIRMAN)