

EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:
EMPLOYEE *-appellant*

CASE NO.
RP55/2011

against
EMPLOYER *-respondent*

under

REDUNDANCY PAYMENTS ACTS, 1967 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr D. Herlihy

Members: Mr G. Andrews
Ms H. Henry

heard this appeal at Limerick on 20th June 2012

Representation:

Appellant: Mr Dan Miller, TEEU, 15 Anne Street, Limerick

Respondent: No appearance or representation on behalf of the respondent

The Tribunal extend the time allowable to take an appeal under the Redundancy Payments Acts, 1967 to 2007 and accept jurisdiction to hear this case.

Background

The appellant worked for his employer from 2000 until 2009. During the course of his employment he worked for two people but as far as he was concerned his employment was always continuous. It was only brought to his attention that his employment effectively transferred in 2005 when his employment was terminated in 2009. The appellant did not receive a P45 between 2000 and 2009.

Determination

The Tribunal finds that the appellant had continuous service from his commencement in 2000 to his termination in 2009. The appellant has already received a statutory redundancy payment for his employment from June 2005 to the 31st of January 2009. The Tribunal find that the appeal under the Redundancy Payments Acts, 1967 to 2007 succeeds and awards the appellant a redundancy lump sum based on the following criteria;

Date of birth: 9th March 1949
Date of commencement: 6th April 2000
Date of termination: 31st May 2005
Gross weekly pay: €685.00

It should be noted that payments from the social insurance fund are limited to a maximum of €600.00 per week.

This award is made subject to the appellants 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)