

EMPLOYMENT APPEALS TRIBUNAL

APPEALS OF:

CASE NO.

EMPLOYEE
–**First Named Appellant**

RP20/2012

EMPLOYEE
–**Second Named Appellant**

RP32/2012

EMPLOYEE
–**Third Named Appellant**

RP140/2012
MN104/2012

against

EMPLOYER
– **First Named Respondent**

EMPLOYER
–**Second Named Respondent**

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: Dr A-M Courell BL

Members: Mr D. Morrison
Ms A. Moore

heard these appeals at Letterkenny on 30 April 2012

Representation:

Appellants:

All in person

Respondent:

No appearance by or representation on behalf of the respondents

The determination of the Tribunal was as follows:

Determination:

The first named respondent was dissolved with effect from 5 March 2010 and consequently from that point no longer had a legal personality and could no longer be the employer of the appellants. The appellants were not aware of this and continued to work normally until 12 August 2010 on which date the second named respondent, who was managing director of the first named respondent, informed the appellants that the business was closing down, with immediate effect, because of the recession.

The Tribunal wrote to the second named respondent on 22 May 2012 to inform him of its intention to join him to the proceedings. The second named respondent acknowledged receipt of this correspondence in a telephone call to the secretary of the division on 31 May 2012. There has been no further correspondence from the second named respondent.

Accordingly, based on the uncontroverted evidence of the appellants the Tribunal is satisfied that on 5 March 2010 the second named respondent became the appellants' employer following the dissolution of the first named respondent. The Tribunal is further satisfied that the appellants were dismissed by reason of redundancy and are entitled to lump sum payments under the Redundancy Payments Acts, 1967 to 2007 based on the following criteria.

| Appellant | Date of Birth | Employment Began | Employment Ended | Gross Weekly Pay |
|--------------|---------------|------------------|------------------|------------------|
| First Named | 15/02/1983 | 13/06/2003 | 12/08/2010 | €335-62 |
| Second Named | 16/04/1985 | 12/03/2007 | 12/08/2010 | €363-59 |
| Third Named | 27/06/1966 | 20/02/2006 | 12/08/2010 | €415-59 |

The Tribunal further awards the third named appellant €831-18, being two weeks' pay, under the Minimum Notice and Terms of Employment Acts, 1973 to 2005.

These awards are made subject to the appellants having been in insurable employment under the Social Welfare Consolidation Act, 2005 during the relevant period.

Sealed with the Seal of the
Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)