

## **EMPLOYMENT APPEALS TRIBUNAL**

**APPEAL OF:**

**CASE NO.**

EMPLOYEE

- appellant

RP1564/11

MN493/12

**Against**

EMPLOYER - respondent no. 1

EMPLOYER - respondent no. 2

**under**

### **REDUNDANCY PAYMENTS ACTS, 1967 TO 2007**

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Ms D. Donovan B.L.

Members: Mr M. Noone  
Mr A. Butler

heard this appeal at Dublin on 22nd August 2012.

### **Representation:**

Appellant: Mr. Blazej Nowak, Polish Consultancy Enterprise, 107 Amiens  
Street, Dublin 1

Respondent : No appearance by or on behalf of the liquidator  
for respondent no. 1

Ms Martina Ryan, Solicitor, B and E Management Limited, 145  
Ashbourne Industrial Estate, Ashbourne, Co. Meath  
For respondent no. 2

The decision of the Tribunal was as follows:-

### **Determination:**

The appellant gave evidence that he was employed by respondent no. 1 from 1<sup>st</sup> April 2007 to 31<sup>st</sup> May 2010 and at which time respondent no. 2 took over the business. The appellant confirmed there was no break in his employment between the take-over, he worked in the same premises, did the same work and received the same salary until he resigned with respondent no. 2 to return to Poland in July 2011.

Having considered the evidence adduced at the hearing the Tribunal finds that there was a transfer of undertakings between respondent no. 1 and respondent no. 2 and accordingly the appellant transferred to respondent no. 2 under the same conditions that were in place with respondent no. 1 and was not made redundant.

Accordingly, the Tribunal dismisses the appeals under the Redundancy Payments Acts, 1967 to 2007 and the Minimum Notice and Terms of Employment Acts, 1973 to 2005.

Sealed with the Seal of the  
Employment Appeals Tribunal

This \_\_\_\_\_

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