

EMPLOYMENT APPEALS TRIBUNAL

| CLAIMS OF: | CASE NO. |
|--|-----------------|
| EMPLOYEE 1st Named Claimant | MN734/2011 |
| EMPLOYEE 2nd Named Claimant | MN773/2011 |
| EMPLOYEE 3rd Named Claimant | MN774/2011 |
| EMPLOYEE 4th Named Claimant | MN784/2011 |
| EMPLOYEE 5th Named Claimant | MN875/2011 |
| EMPLOYEE 6th Named Claimant | MN876/2011 |
| EMPLOYEE 7th Named Claimant | MN877/2011 |
| EMPLOYEE 8th Named Claimant | MN878/2011 |
| EMPLOYEE 9th Named Claimant | MN879/2011 |
| EMPLOYEE 10th Named Claimant | MN880/2011 |
| EMPLOYEE 11th Named Claimant | MN881/2011 |
| EMPLOYEE 12th Named Claimant | MN882/2011 |
| EMPLOYEE 13th Named Claimant | MN883/2011 |
| EMPLOYEE 14th Named Claimant | MN884/2011 |
| EMPLOYEE 15th Named Claimant | |
| EMPLOYEE 16th Named Claimant | MN886/2011 |

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| EMPLOYEE 17th Named Claimant | MN887/2011 |
| EMPLOYEE 18th Named Claimant | MN888/2011 |
| EMPLOYEE 19th Named Claimant | MN889/2011 |
| EMPLOYEE 20th Named Claimant | MN890/2011 |
| EMPLOYEE 21st Named Claimant | MN891/2011 |
| EMPLOYEE 22nd Named Claimant | MN892/2011 |
| EMPLOYEE 23rd Named Claimant | |
| EMPLOYEE 24th Named Claimant | MN894/2011 |
| EMPLOYEE 25th Named Claimant | MN895/2011 |
| EMPLOYEE 26th Named Claimant | MN896/2011 |
| EMPLOYEE 27th Named Claimant | MN897/2011 |
| EMPLOYEE 28th Named Claimant | MN898/2011 |
| EMPLOYEE 29th Named Claimant | MN899/2011 |
| EMPLOYEE 30th Named Claimant | MN900/2011 |
| EMPLOYEE 31st Named Claimant | MN901/2011 |
| EMPLOYEE 32nd Named Claimant | MN902/2011 |
| EMPLOYEE 33rd Named Claimant | MN903/2011 |

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| EMPLOYEE 34th Named Claimant | MN904/2011 |
| EMPLOYEE 35th Named Claimant | MN905/2011 |
| EMPLOYEE 36th Named Claimant | MN906/2011 |
| EMPLOYEE 37th Named Claimant | MN907/2011 |
| EMPLOYEE 38th Named Claimant | MN908/2011 |
| EMPLOYEE 39th Named Claimant | MN909/2011 |
| EMPLOYEE 40th Named Claimant | MN910/2011 |
| EMPLOYEE 41st Named Claimant | MN911/2011 |
| EMPLOYEE 42nd Named Claimant | MN912/2011 |
| EMPLOYEE 43rd Named Claimant | MN913/2011 |
| EMPLOYEE 44th Named Claimant | MN914/2011 |
| EMPLOYEE 45th Named Claimant | MN915/2011 |
| EMPLOYEE 46th Named Claimant | MN916/2011 |
| EMPLOYEE 47th Named Claimant | MN917/2011 |
| EMPLOYEE 48th Named Claimant | MN918/2011 |
| EMPLOYEE 49th Named Claimant | MN919/2011 |
| EMPLOYEE 50th Named Claimant | |

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| EMPLOYEE 51st Named Claimant | MN921/2011 |
| EMPLOYEE 52nd Named Claimant | MN922/2011 |
| EMPLOYEE 53rd Named Claimant | MN923/2011 |
| EMPLOYEE 54th Named Claimant | MN924/2011 |
| EMPLOYEE 55th Named Claimant | MN925/2011 |
| EMPLOYEE 56th Named Claimant | MN926/2011 |
| EMPLOYEE 57th Named Claimant | MN927/2011 |
| EMPLOYEE 58th Named Claimant | MN928/2011 |
| EMPLOYEE 59th Named Claimant | MN929/2011 |
| EMPLOYEE 60th Named Claimant | MN931/2011 RP1120/2011 |
| EMPLOYEE 61st Named Claimant | MN932/2011 |
| EMPLOYEE 62nd Named Claimant | MN933/2011 |
| EMPLOYEE 63rd Named Claimant | MN1063/2011 |
| EMPLOYEE 64th Named Claimant | MN1064/2011 |
| EMPLOYEE 65th Named Claimant | MN1065/2011 |
| EMPLOYEE 66th Named Claimant | MN1066/2011 |
| EMPLOYEE 67th Named Claimant | MN1067/2011 |
| EMPLOYEE | |

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| 68th Named Claimant | MN1068/2011 |
| EMPLOYEE | MN1069/2011 |
| 69th Named Claimant | |
| EMPLOYEE | MN1070/2011 |
| 70th Named Claimant | |
| EMPLOYEE | MN1071/2011 |
| 71st Named Claimant | |
| EMPLOYEE | MN1072/2011 |
| 72nd Named Claimant | |
| EMPLOYEE | MN1073/2011 |
| 73rd Named Claimant | |
| EMPLOYEE | MN1074/2011 |
| 74th Named Claimant | |
| EMPLOYEE | MN1075/2011 |
| 75th Named Claimant | |
| EMPLOYEE | MN1076/2011 |
| 76th Named Claimant | |
| EMPLOYEE | MN1077/2011 |
| 77th Named Claimant | RP1285/2011 |
| EMPLOYEE | MN1185/2011 |
| 78th Named Claimant | |
| EMPLOYEE | MN758/2012 |
| 79th Named Claimant | |

against

EMPLOYER
Respondent

under

**MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2005
REDUNDANCY PAYMENTS ACTS, 1967 TO 2007**

I certify that the Tribunal

(Division of Tribunal)

Chairman: Mr T. Ryan

Members: Mr T. O'Sullivan
Mr F. Barry

heard these claims at Dublin on 16 August 2012

Representation:

Claimants:

In Person except for the 2nd, 4th, 13th, 31st, 32nd, 33rd, 35th, 42nd, 45th, 50th, 52nd, 54th, 55th, 57th, 67th, 70th, 71st, 75th and 76th named claimants who were not in attendance.

Respondent:

Mr X from the receiver's office

The determination of the Tribunal was as follows:

Determination

The 77th named claimant, having received her entitlements in this regard, withdrew her claim under the Redundancy Payments Acts.

The claims of the 2nd, 4th, 13th, 31st, 32nd, 33rd, 35th, 42nd, 45th, 50th, 52nd, 54th, 55th, 57th, 67th, 70th, 71st, 75th and 76th named claimants under the Minimum Notice and Terms of Employment Acts all fail for want of prosecution.

The representative of the receiver explained to the Tribunal the situation whereby the receiver had been appointed over certain of the assets of the respondent company on 8 June 2010. The receiver's position was that he was only entitled to satisfy the claims of those employees who had worked in that part of the business involving those assets through the Protection of Employees (Employers Insolvency) Acts 1984 to 2001. Those claims had been dealt with and none of the claimants involved in the within proceedings had worked in that part of the business and, accordingly, the receiver had not been in a position to deal with their claims.

Deciding whether or not the claimants were entitled to the benefit of the Protection of Employees (Employers Insolvency) Acts was not the question before the Tribunal. Having heard the uncontroverted evidence of the claimants, loss having been established, the Tribunal makes awards under the Minimum Notice and Terms of Employment Acts, 1973 to 2005 according to the following schedule.

| Claimant | Case No. | Start Date | End Date | Weekly | Weeks' | Award € |
|----------|----------|------------|----------|--------|--------|---------|
|----------|----------|------------|----------|--------|--------|---------|

| | | | | Pay € | Entitled | |
|-------------------|------------|------------|------------|--------------|-----------------|----------|
| 1st Named | MN734/2011 | 15/10/2005 | 14/05/2010 | 1,500-00 | 2 | 3,000-00 |
| 3rd Named | MN774/2011 | 19/11/1997 | 14/05/2010 | 680-00 | 6 | 4080-00 |
| 5th Named | MN875/2011 | 01/12/2009 | 01/06/2010 | 800-00 | 1 | 800-00 |
| 6th Named | MN876/2011 | 02/06/2004 | 14/05/2010 | 800-00 | 4 | 3,200-00 |
| 7th Named | MN877/2011 | 16/01/2007 | 14/05/2010 | 422-50 | 2 | 845-00 |
| 8th Named | MN878/2011 | 26/01/2006 | 14/05/2010 | 400-00 | 2 | 800-00 |
| 9th Named | MN879/2011 | 30/06/2004 | 14/05/2010 | 750-00 | 4 | 3,000-00 |
| 10th Named | MN880/2011 | 29/03/2001 | 14/05/2010 | 1035-00 | 4 | 4,140-00 |
| 11th Named | MN881/2011 | 22/02/2008 | 14/05/2010 | 376-00 | 2 | 752-00 |
| 12th Named | MN882/2011 | 31/05/2005 | 14/05/2010 | 510-00 | 2 | 1,020-00 |
| 14th Named | MN884/2011 | 15/06/2006 | 14/05/2010 | 550-56 | 2 | 1,101-12 |
| 15th Named | MN885/2011 | 31/05/2005 | 14/05/2010 | 510-00 | 2 | 1,020-00 |
| 16th Named | MN886/2011 | 05/01/2001 | 14/05/2010 | 550-00 | 4 | 2,200-00 |
| 17th Named | MN887/2011 | 21/05/2001 | 11/06/2010 | 560-00 | 4 | 2,240-00 |
| 18th Named | MN888/2011 | 09/10/2007 | 14/05/2010 | 560-00 | 2 | 1,120-00 |
| 19th Named | MN889/2011 | 06/10/2004 | 14/05/2010 | 480-00 | 4 | 1,920-00 |
| 20th Named | MN890/2011 | 20/02/2006 | 14/05/2010 | 1,000-00 | 2 | 2,000-00 |
| 21st Named | MN891/2011 | 27/02/2006 | 14/05/2010 | 560-00 | 2 | 1,120-00 |
| 22nd Named | MN892/2011 | 25/05/2005 | 14/05/2010 | 480-00 | 2 | 960-00 |
| 23rd Named | MN893/2011 | 12/08/2006 | 14/05/2010 | 600-00 | 2 | 1,200-00 |
| 24th Named | MN894/2011 | 04/05/2004 | 14/05/2010 | 660-00 | 4 | 2,640-00 |
| 25th Named | MN895/2011 | 14/07/2003 | 14/05/2010 | 560-00 | 2 | 1,120-00 |
| 26th Named | MN896/2011 | 21/05/2005 | 15/05/2010 | 440-00 | 2 | 880-00 |
| 27th Named | MN897/2011 | 05/06/2007 | 18/05/2010 | 440-00 | 2 | 880-00 |

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|-------------------|-------------|------------|------------|----------|-----|-----------|
| 28th Named | MN898/2011 | 19/01/2006 | 14/05/2010 | 550-00 | 2 | 1,100-00 |
| 29th Named | MN899/2011 | 17/02/2006 | 14/05/2010 | 550-00 | 2 | 1,100-00 |
| 30th Named | MN900/2011 | 20/05/2004 | 14/05/2010 | 630-00 | 4 | 2,520-00 |
| 34th Named | MN904/2011 | 18/03/2006 | 14/05/2010 | 550-00 | 2 | 1,100-00 |
| 36th Named | MN906/2011 | 08/05/2007 | 14/05/2010 | 346-00 | 2 | 692-00 |
| 37th Named | MN907/2011 | 12/10/2006 | 14/05/2010 | 400-00 | 2 | 800-00 |
| 38th Named | MN908/2011 | 26/10/2004 | 14/05/2010 | 910-00 | 4 | 3,640-00 |
| 39th Named | MN909/2011 | 29/04/2005 | 14/05/2010 | 950-00 | 4 | 3,800-00 |
| 40th Named | MN910/2011 | 15/03/1989 | 18/05/2010 | 1,500-00 | 7.5 | 11,250-00 |
| 41st Named | MN911/2011 | 10/05/2004 | 14/05/2010 | 510-00 | 4 | 2,040-00 |
| 43rd Named | MN913/2011 | 18/02/2008 | 14/05/2010 | 446-00 | 2 | 892-00 |
| 44th Named | MN914/2011 | 16/04/2007 | 14/05/2010 | 466-00 | 2 | 932-00 |
| 46th Named | MN916/2011 | 10/08/2006 | 14/05/2010 | 430-00 | 2 | 860-00 |
| 47th Named | MN917/2011 | 13/09/2004 | 14/05/2010 | 612-66 | 4 | 2,450-64 |
| 48th Named | MN918/2011 | 16/10/2006 | 14/05/2010 | 550-00 | 2 | 1,100-00 |
| 49th Named | MN919/2011 | 14/06/2006 | 14/05/2010 | 467-50 | 2 | 935-00 |
| 51st Named | MN921/2011 | 29/04/1996 | 14/05/2010 | 627-60 | 6 | 3,765-60 |
| 53rd Named | MN923/2011 | 23/09/2005 | 14/05/2010 | 480-00 | 2 | 960-00 |
| 56th Named | | 21/02/2006 | 14/05/2010 | 445-00 | 2 | 890-00 |
| 58th Named | MN928/2011 | 16/10/2006 | 14/05/2010 | 445-00 | 2 | 890-00 |
| 59th Named | MN929/2011 | 30/01/2010 | 14/05/2010 | 1,007-00 | 1 | 1,007-00 |
| 60th Named | MN931/2011 | 15/08/2007 | 21/05/2010 | 906-00 | 2 | 1,812-00 |
| 61st Named | MN932/2011 | 19/03/1996 | 25/06/2010 | 725-20 | 6 | 4,351-20 |
| 62nd Named | MN933/2011 | 03/05/2005 | 14/05/2010 | 560-00 | 4 | 2,240-00 |
| 63rd Named | MN1063/2011 | 25/04/2008 | 22/05/2010 | 700-22 | 2 | 1,400-44 |

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|-------------------|-------------|------------|------------|----------|---|----------|
| 64th Named | MN1064/2011 | 18/02/2009 | 22/05/2010 | 800-00 | 1 | 800-00 |
| 65th Named | MN1065/2011 | 22/06/2009 | 28/05/2010 | 873-00 | 1 | 873-00 |
| 66th Named | MN1066/2011 | 30/07/2008 | 14/05/2010 | 873-03 | 1 | 873-03 |
| 68th Named | MN1068/2011 | 21/08/2007 | 14/05/2010 | 360-00 | 2 | 720-00 |
| 69th Named | MN1069/2011 | 18/11/1999 | 14/05/2010 | 1,411-00 | 6 | 8,466-00 |
| 72nd Named | MN1072/2011 | 05/09/2006 | 14/05/2010 | 200-00 | 2 | 400-00 |
| 73rd Named | MN1073/2011 | 04/10/2009 | 14/05/2010 | 219-71 | 1 | 219-71 |
| 74th Named | MN1074/2011 | 07/05/2004 | 14/05/2010 | 600-00 | 4 | 2,400-00 |
| 77th Named | MN1077/2011 | 31/10/2000 | 14/05/2010 | 251-10 | 4 | 1,004-40 |
| 78th Named | MN1185/2011 | 20/09/2004 | 14/05/2010 | 230-00 | 4 | 920-00 |
| 79th Named | MN758/2012 | 22/11/2003 | 14/05/2010 | 480-00 | 4 | 1,920-00 |

Being satisfied that he was dismissed by reason of redundancy the Tribunal further awards the 60th named claimant a lump sum payment under the Redundancy Payments Acts, 1967 to 2007 based on the following criteria

| | |
|----------------------|------------|
| Date of Birth | 29/01/1979 |
| Employment commenced | 15/08/2007 |
| Employment ended | 21/05/2010 |
| Gross weekly pay | €906-00 |

This award is made subject to the 60th named claimant 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)