

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

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

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	

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	

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 €
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				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

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

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)