

## EMPLOYMENT APPEALS TRIBUNAL

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

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

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

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

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

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 2<sup>nd</sup>, 4<sup>th</sup>, 13<sup>th</sup>, 31<sup>st</sup>, 32<sup>nd</sup>, 33<sup>rd</sup>, 35<sup>th</sup>, 42<sup>nd</sup>, 45<sup>th</sup>, 50<sup>th</sup>, 52<sup>nd</sup>, 54<sup>th</sup>, 55<sup>th</sup>, 57<sup>th</sup>, 67<sup>th</sup>, 70<sup>th</sup>, 71<sup>st</sup>, 75<sup>th</sup> and 76<sup>th</sup> 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 2<sup>nd</sup>, 4<sup>th</sup>, 13<sup>th</sup>, 31<sup>st</sup>, 32<sup>nd</sup>, 33<sup>rd</sup>, 35<sup>th</sup>, 42<sup>nd</sup>, 45<sup>th</sup>, 50<sup>th</sup>, 52<sup>nd</sup>, 54<sup>th</sup>, 55<sup>th</sup>, 57<sup>th</sup>, 67<sup>th</sup>, 70<sup>th</sup>, 71<sup>st</sup>, 75<sup>th</sup> and 76<sup>th</sup> 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.

<b>Claimant</b>	<b>Case No.</b>	<b>Start Date</b>	<b>End Date</b>	<b>Weekly</b>	<b>Weeks'</b>	<b>Award €</b>
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				<b>Pay €</b>	<b>Entitled</b>	
<b>1st Named</b>	MN734/2011	15/10/2005	14/05/2010	1,500-00	2	3,000-00
<b>3rd Named</b>	MN774/2011	19/11/1997	14/05/2010	680-00	6	4080-00
<b>5th Named</b>	MN875/2011	01/12/2009	01/06/2010	800-00	1	800-00
<b>6th Named</b>	MN876/2011	02/06/2004	14/05/2010	800-00	4	3,200-00
<b>7th Named</b>	MN877/2011	16/01/2007	14/05/2010	422-50	2	845-00
<b>8th Named</b>	MN878/2011	26/01/2006	14/05/2010	400-00	2	800-00
<b>9th Named</b>	MN879/2011	30/06/2004	14/05/2010	750-00	4	3,000-00
<b>10th Named</b>	MN880/2011	29/03/2001	14/05/2010	1035-00	4	4,140-00
<b>11th Named</b>	MN881/2011	22/02/2008	14/05/2010	376-00	2	752-00
<b>12th Named</b>	MN882/2011	31/05/2005	14/05/2010	510-00	2	1,020-00
<b>14th Named</b>	MN884/2011	15/06/2006	14/05/2010	550-56	2	1,101-12
<b>15th Named</b>	MN885/2011	31/05/2005	14/05/2010	510-00	2	1,020-00
<b>16th Named</b>	MN886/2011	05/01/2001	14/05/2010	550-00	4	2,200-00
<b>17th Named</b>	MN887/2011	21/05/2001	11/06/2010	560-00	4	2,240-00
<b>18th Named</b>	MN888/2011	09/10/2007	14/05/2010	560-00	2	1,120-00
<b>19th Named</b>	MN889/2011	06/10/2004	14/05/2010	480-00	4	1,920-00
<b>20th Named</b>	MN890/2011	20/02/2006	14/05/2010	1,000-00	2	2,000-00
<b>21st Named</b>	MN891/2011	27/02/2006	14/05/2010	560-00	2	1,120-00
<b>22nd Named</b>	MN892/2011	25/05/2005	14/05/2010	480-00	2	960-00
<b>23rd Named</b>	MN893/2011	12/08/2006	14/05/2010	600-00	2	1,200-00
<b>24th Named</b>	MN894/2011	04/05/2004	14/05/2010	660-00	4	2,640-00
<b>25th Named</b>	MN895/2011	14/07/2003	14/05/2010	560-00	2	1,120-00
<b>26th Named</b>	MN896/2011	21/05/2005	15/05/2010	440-00	2	880-00
<b>27th Named</b>	MN897/2011	05/06/2007	18/05/2010	440-00	2	880-00

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



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