

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:

CASE NO.

EMPLOYEE – *appellant*

RP1593/2011

Against

EMPLOYER - *respondent*

under

REDUNDANCY PAYMENTS ACTS, 1967 TO 2007

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Ms. K.T. O'Mahony B.L.

Members: Mr D. Hegarty

Mr J. Flavin

heard this appeal at Cork on 20th July 2012

Representation:

Appellant(s) : in person

Respondent(s) : in person

**Determination**

The respondent's milk delivery contract in the Limerick area was taken over by another individual in August 2010. The appellant whom he had employed then transferred to work for the new operator delivering on that same route. The Tribunal finds that there was a transfer of under taking under the European Communities (Protection of Employees on Transfer of Undertakings) Regulations 2003 and the appellant's employment rights transferred to the new employer. The appellant continued to work for the new contractor until he resigned his position in March 2011 to take up new employment. Accordingly, the Tribunal finds that the appellant is not entitled to a redundancy payment. The claim under the Redundancy Payments Acts, 1967 to 2007 fails.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

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