

EMPLOYMENT APPEALS TRIBUNAL

COMPLAINT(S) OF:
EMPLOYEE - *appellant*

CASE NO.
I3/2012

against the decision of The Minister for Social Protection

in the case of :

EMPLOYER - *respondent*

under

PROTECTION OF EMPLOYEES (EMPLOYERS' INSOLVENCY) ACTS, 1984 TO 2004

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 complaint at Cork on 11th September 2012

Representation:

Complainant :Ms Margaret M. Mulpeter, Dunlea Mulpeter & Co., Solicitors,
6 Strand Street, Passage West, Co. Cork

Respondent(s) :No appearance by or on behalf of the respondent

The declaration of the Tribunal was as follows:-

A Department official at the hearing told the Tribunal that the respondent company was struck off and dissolved on the 20 January 2012. The application by the complainant did not come before the Department until March 2012 after the company was dissolved.

The Minister decided that the claim be refused on the basis that claims can only be processed if the company is insolvent within the definition of the Protection of Employees (Employers' Insolvency) Acts, 1984 and a relevant officer, normally a receiver or liquidator, has been appointed and certifies the claim. No such officer had been appointed.

The complainant submitted that a director of the company had provided a signed written letter confirming inability to pay as no funds existed in the company.

Determination

The Tribunal determines that as the company was struck off and dissolved on the 20 January 2012. In such circumstances the Tribunal is not in a position to hear any appeal or make any order as there is no entity against whom it can be made.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)