

## EMPLOYMENT APPEALS TRIBUNAL

**APPEAL(S) OF:**

**CASE NO.**

RP2546/2011

EMPLOYEE - *Appellant*

against

EMPLOYER - *Respondent*

EMPLOYER - *Respondent*

EMPLOYER - *Respondent*

under

### REDUNDANCY PAYMENTS ACTS, 1967 TO 2007

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Ms D. Donovan B.L.

Members: Mr J. Browne  
Mr F. Dorgan

heard this appeal at Wexford on 23rd November 2012

#### **Representation:**

Appellant(s) : REP

Respondent(s) : In Person

The decision of the Tribunal was as follows:-

#### **Determination:**

Having considered the evidence adduced by the parties the Tribunal finds that the claimant was let go because of a down-turn in the business of the respondent. The Tribunal accepts that the respondent informed the claimant at the time they would contact him regarding coming back to work that if business improved. The Tribunal is not satisfied that the respondent made any meaningful effort to contact the claimant with a view to returning to work. Thus, the Tribunal finds that the claimant's employment was terminated on 15 January 2011 by reason of redundancy. The Tribunal further finds that there was a transfer of undertakings between the respondent and the previous owner in March 2007 and accordingly the commencement date of the claimant's employment is 15 March 2004.

The claim under the *Redundancy Payments Acts 1967 to 2007* succeeds and awards the appellant a redundancy lump sum, which is to be calculated on the basis of the following criteria:

Date of Birth: 15 February 1988  
Date of Commencement: 15 March 2004  
Date of Notice Given: -----  
Date of Termination: 15 January 2011  
Gross Pay: € 140.00

This award is made subject to the appellant having been in insurable employment under the Social Welfare Acts during the relevant period.

Sealed with the Seal of the  
Employment Appeals Tribunal

This \_\_\_\_\_

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