

EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:

CASE NO.
RP1024/2011

EMPLOYEE - *the appellant*

Against

EMPLOYER - *the respondent*

under

REDUNDANCY PAYMENTS ACTS, 1967 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms. K.T. O'Mahony BL

Members: Mr. D. Hegarty
Ms. H. Kelleher

heard this appeal in Cork on 8 February 2012

Representation:

Appellant:

Ms. Linda O'Shea, Patrick J O'Shea & Co, Solicitors,
77 Main Street, Midleton, Co. Cork

Respondent:

No appearance by or representation on behalf of the respondent

The decision of the Tribunal was as follows:-

Determination:

The appellant commenced employment with the former owner of the agricultural engineering business, which was a limited company, in November 1966. When the business went into liquidation in the mid 1990s it was thereafter operated by the respondent, who had been a shareholder of the limited company, as a sole trader. Accordingly, the Tribunal was satisfied that the "European Communities (Protection of Employees on Transfer of Undertaking) Regulations 2003 (S.I. 131/2003) applied and the appellant has continuity of employment from November 1966.

The appellant worked a three-day week from 1994 until the respondent ceased trading in November 2009. The respondent died intestate on 5 November 2011, without any assets. The business had been operating in a shed that the late respondent rented from his wife, whose evidence was that she had nothing whatsoever to do with the business.

The Tribunal is satisfied that the appellant was dismissed by reason of redundancy and is entitled to a redundancy lump sum payment under the Redundancy Payments Acts, 1967 to 2007, based on the following criteria:

Date of birth:	15 August 1949
Date of commencement:	15 November 1966
Date of termination:	20 November 2009
Gross weekly pay:	€270.00

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)