

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:
EMPLOYEE,
- *appellant*

CASE NO.

RP2276/2011
MN1785/2011
WT688/2011

Against

EMPLOYER - *respondent*

under

REDUNDANCY PAYMENTS ACTS, 1967 TO 2007 MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2005 ORGANISATION OF WORKING TIME ACT, 1997

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr P. Hurley

Members: Mr G. Andrews
Ms H. Henry

heard this appeal at Galway on 16th May 2013

Representation:

Appellant(s) : In person

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

Determination

The Tribunal is satisfied that all parties were properly notified of the hearing. There was no appearance by or on behalf of the respondent. Based on the uncontested evidence of the appellant the Tribunal finds that he was dismissed by reason of redundancy. The appellant commenced employment, working for a former owner of the business, in September 2005. As a result of a transfer of the business the appellant was employed by the respondent at the time he was made redundant on the 13 March 2011. Thus, under the *European Communities (Protection of Employees on Transfer of Undertakings) Regulations 2003* the appellant has continuity of service from the 27 September 2005 until the date of his dismissal by the respondent. The respondent informed him on the 12 March 2011 that the business was closing.

The Tribunal awards the appellant a lump sum payment under the Redundancy Payments Acts 1967 to 2007 based on the following information:

Date of Birth: 09 July 1967

Date of Commencement: 27 September 2005
Date of Termination: 13 March 2011
Weekly Gross Pay: €420

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

The Tribunal further awards the appellant €1680.00, being the equivalent of four weeks' gross pay, in lieu of notice under the Minimum Notice and Terms of Employment Acts 1973 to 2005.

The claim under the Organisation of Working Time Act, 1997 was withdrawn by the appellant.

Sealed with the Seal of the
Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)