

EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:
APPELLANT
EMPLOYEE

CASE NO.
UD1065/2010

against the recommendation of the Rights Commissioner in the case of:

RESPONDENT
EMPLOYER

under

UNFAIR DISMISSALS ACTS, 1977 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr E. Murray

Members: Mr J. Killian
Mr O. Wills

heard this appeal at Cork on 20th July 2011

Representation:

Appellant: Mr Bill Cogan, Independent Workers Union, 55 North Main Street, Cork

Respondent :

This hearing came before the Tribunal by way of an appeal by the former employee against a recommendation of a Right's Commissioner reference UD78086/09/MR

The determination of the Tribunal was as follows:

The evidence disclosed that the Claimant worked with Respondent Company for approximately twenty seven years.

The Respondent Company was a pork butchering business with outlets in Princess Street in Cork and in Wilton Shopping Centre in Cork.

In March 2009 he was made redundant. The Claimant in this instance takes the view that he should have been redeployed to the Wilton outlet.

The Managing director of the Respondent Company told the Tribunal that the company had operated two outlets up to 2005. The business was a family business which he had inherited from his parents and had been in business in Cork since the early 1900s. In 2005 his

brother, who was managing the Wilton outlet acquired the company's interest in that premises and business. From 2005 onwards the two outlets were operated as entirely separate and independent units.

In 2009 the Respondent Company concluded that they could not continue trading and ceased trading and made all of its staff redundant.

Determination

Having heard the evidence, the Tribunal unanimously finds that the Respondent Company had no interest in the Wilton outlet from around 2005 onwards. The Tribunal are satisfied that a genuine redundancy situation arose and that the Respondent Company were entitled to make the Claimant redundant as the Princess Street outlet was closing down. The Claimant accepted his redundancy payment from the Social Fund. In the circumstances the Tribunal upholds the finding of the Rights Commissioner in this matter and disallows the claimant's appeal.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

