

## EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:

CASE NO.

EMPLOYEE *-Appellant*

RP2716/2010

against

EMPLOYER *-Respondent*

under

### REDUNDANCY PAYMENTS ACTS, 1967 TO 2007

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Mr. D. MacCarthy S C

Members: Mr. E. Handley  
Mr. S. O'Donnell

heard this appeal at Dublin on 15th June 2011

#### **Representation:**

Appellant: In person

Respondent: A director of the respondent company.

#### **The decision of the Tribunal was as follows:**

The director stated that a redundancy situation existed but not in relation to the respondent company but a different company that is in liquidation. The director confirmed that both companies operated from the same address and the nature of the business was the same.

The director sought to have the redundancy order made against the liquidated company as the appellant's employment with the liquidated company had been terminated and a P45 issued. The appellant then commenced employment with the respondent company for a number of weeks until she voluntarily left that employment. The appellant stated that this arose, as she had not been paid from February to May 2010. The director disputed this stating that the appellant was paid something every week, but perhaps not her full wages.

#### **Determination:**

The appellant was dismissed by reason of redundancy. The Tribunal also finds continuity of employment between the respondent company and the other company that went into liquidation a month before her employment finally ended.

The appellant is entitled to a redundancy payment based on:

Date of Birth:	30 <sup>th</sup> April 1984
Service from:	3 <sup>rd</sup> August 2006 to 25 <sup>th</sup> May 2010
Normal weekly remuneration:	€606.47
Amount of redundancy payment:	€5,172.00

A ceiling of €600 applies to any payments from the Social Insurance Fund and this award is subject to the appellant having been in employment, which is insurable for all purposes under the Social Welfare Consolidation Act 2005.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

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