

EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF: CASE NO.

Employee RP96/2006

against

Employer

under

REDUNDANCY PAYMENTS ACTS, 1967 TO 2003

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr. D. MacCarthy S.C

Members: Mr. J. O'Neill
Mr. P. McAleer

heard this appeal at Monaghan on 27 March 2007

Representation:

Appellants:

Mr. Jim Mullery, SIPTU Branch Secretary,
3 /4 Old Cross Square, Monaghan

Respondent:

Mr. Vincent Turley, Human Resource Consultant,
No. 1 Brack Lane, Lathlurcan, Monaghan

The determination of the Tribunal was as follows:

Determination:

There were several obstacles to be overcome by the appellant in prosecuting an appeal for a lump sum payment under the Redundancy Payments Acts, 1967 to 2003. The appeal was lodged outside the time limit of fifty-two weeks from the end of the employment and the appellant's explanation that she was not aware of any entitlement under the Acts would not normally constitute reasonable cause so as to prevent lodgement of such appeal. There does not appear to have been a redundancy situation existing in that section of the respondent where the appellant was employed, indeed that section appears to have expanded. The appellant, whilst alleging that the respondent unilaterally altered her terms and conditions, was unable to produce any evidence to back up this allegation. The respondent's position was that, whilst there had been a reduction in the terms and conditions, this had not been applied until some months after the appellant left her employment. For all these reasons the Tribunal must find that the appeal under the Redundancy Payments Acts, 1967 to 2003 fails.

Sealed with the Seal of the
Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)