

EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:
Employee

CASE NO.
UD652/2006

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

Employer

-v-

Employer

under

UNFAIR DISMISSALS ACTS, 1977 TO 2001

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr. D. Mac Carthy S C

Members: Mr. B. Kealy

Mr B. Byrne

heard this appeal at Naas on 9th May 2007

Representation:

Appellant: Mr Frank Jones, Mr. John Hubbard, SIPTU,
Liberty Hall, Dublin 1

XXXX

The determination of the Tribunal was as follows:

The Appellant said that he was unfairly dismissed by reason of redundancy. He claimed that he was unfairly dismissed by reason of redundancy.

The appeal fails for the following reasons:

1. We are not satisfied that the other employee, to whom the Appellant referred, was, "In similar employment".
2. There was no redundancy procedure agreed with the trade union.
3. There was no evidence that last-in-first-out was established by, "custom and practice in the employment concerned".
4. Even if there was such a custom and practice the other persons skills, would be, "special reasons justifying a departure".
5. The, "circumstances constituting the redundancy", did not apply equally as between the Appellant and the other person.

6. It appears that the Appellant may have settled his claim after the Rights Commissioner hearing.

For these reasons we disallow the appeal.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)