

## EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:  
Employee

CASE NO.  
RP22/2006

against  
Employer

under

### REDUNDANCY PAYMENTS ACTS, 1967 TO 2003

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Mr. K. Buckley

Members: Mr. J. Browne  
Mr. D. McEvoy

heard this appeal at Waterford on 25th April 2007

Representation:

Appellant(s) : Appeared in Person

Respondent(s) : XXXX

The decision of the Tribunal was as follows:-

#### **Appellants Case:**

The appellant gave evidence. He told the Tribunal that the respondent company offered a number of voluntary redundancy schemes over the course of his employment. In 2004, he considered the scheme that was on offer at that time. He signed up for it and had one month to change his mind. Upon reconsidering, he backed out of the arrangement.

A new scheme was published in January 2005. He received an estimate of the value and after discussing the matter with family members, decided to opt for it. He signed and posted the form to the company on the 18<sup>th</sup> March. One week later he became aware that the period for reconsideration had elapsed. His manager contacted him to inform him that his termination date was the 21<sup>st</sup> September. The appellant was unhappy about the situation. He felt ill-informed about the terms of the scheme and felt that he had been insufficiently aware of the date for withdrawal. He did not want to leave his job

Under cross-examination, the appellant told the Tribunal that he had over thirty years' service with the respondent company and voluntary leaving schemes had been offered to staff since 1986. The form of acceptance was blank when he received it and he did not have his signature witnessed. There was a larger bonus involved in the deal offered in 2004.

#### **Respondent's Case:**

The area manager gave evidence. He has over thirty-four years' service with the company. He has overall responsibility for the implementation of the voluntary leaving schemes. His role is to assist employees who wish to avail of the schemes. The appellant approached him regarding the 2004 scheme. He explained the details of the scheme to the appellant. The appellant telephoned him to withdraw from the scheme and the witness put the wheels in motion.

In 2005, the appellant again approached the witness with regard to the particular scheme on offer at that time. He issued a financial estimate to the claimant and went through it in detail with him. The appellant had also attended a briefing session regarding the scheme. He filled in the particulars on the form of acceptance and the appellant signed it in his presence. He never issued a blank form for the appellant to sign on his own.

Under cross-examination, the witness said that he met with the appellant for discussions on a number of occasions. The appellant signed the form in front of him and the witness endorsed it.

The manager of the voluntary leaving schemes gave evidence. He has over twenty-six years' service with the company. He outlined a brief history of the voluntary leaving schemes to the Tribunal. Each scheme differs and part-time working patterns to facilitate "ease" into retirement were included since 2002. There was normally a cooling off period after the closing date of schemes for applicants to change their mind. It was normally a month's duration. The claimant availed of this in 2004. The appellant opted for a one year part-time working option. The wording of the 2004 scheme was much the same as the 2005 one but the financial details of the schemes differed.

**Determination:**

The Tribunal, having heard the evidence in this case, determine that the appellant was fully aware of the details of the voluntary leaving schemes. Based on the evidence presented, the Tribunal is satisfied that the form signed by the appellant was witnessed in his presence. The appellant signed his acceptance of the deal and then decided against it but was out of time to withdraw.

The Tribunal are satisfied that the appellant was fully aware of the implications of signing the form and determine that the appellant resigned finally. Therefore the appeal made under the Redundancy Payments Acts 1967 to 2003 fails.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

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