

## EMPLOYMENT APPEALS TRIBUNAL

CLAIM OF:  
Employee

CASE NO.  
UD756/2006

Against

Employer

under

### UNFAIR DISMISSALS ACTS, 1977 TO 2001

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Mr J. Sheedy

Members: Mr. M. Forde  
Mr D. McEvoy

heard this claim at Clonmel on 27th July 2007

### Representation:

Claimant : In person

Respondent : Mr Oisín Quinn B L instructed by  
A & L Goodbody, Solicitors, I.F.S.C., North Wall Quay, Dublin 1

The determination of the Tribunal was as follows:

### Claimant's Case

Prior to commencing employment with the respondent as a production operator in March 2005 the claimant had one year outstanding on an accountancy course to complete. Due to a health issue the claimant secured a medical sick certificate from a doctor's practice on 24 May 2006. Those certificates were subsequently extended up to 8 June. By that stage the claimant's work had ceased with the company. He continued to be paid by them up to 16 June. During the course of his evidence references were made to various correspondences between him and the respondent to matters on the margins of his unfair dismissal claim. The claimant accepted he might have been "a bit overboard" with his comments about his supervisor in a letter, dated 31 May 2006, which he addressed to the company's operations manager. The witness described as reasonable the response he received from that supervisor the next day.

On 2 June 2006 the claimant submitted a letter of resignation to his supervisor. The witness confirmed his stated reasons that he decided to return to college and also to undertake some travel. In expressing regret at this decision the supervisor also told the claimant that the respondent accepted it. The claimant met the respondent's operations' manager and a person from their human

resource department on 8 June 2006. At that meeting his attempt to withdraw his earlier resignation was rejected. According to the witness the respondent was dissatisfied with his amount of sick leave and the claimant also suggested his complaints and comments about other matters influenced their decision. The claimant accepted he resigned and knew that the respondent did not accept his withdrawal of that resignation.

### **Respondent's Case**

The human resource person who attended the meeting on 8 June 2006 confirmed the undisputed factual aspects of this case and added that the respondent preferred to stick to the claimant's notice of resignation rather than extend or recommence his employment with them.

### **Determination**

Having considered the evidence and submissions the Tribunal is unable to identify a dismissal in this case. The claimant clearly and without pressure from the company resigned his employment. The respondent accepted that resignation and opted not to withdraw it when requested to do so.

The claim under the Unfair Dismissals Acts, 1977 to 2001 fails.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

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

