

EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:

CASE NO.

Employee

RP300/2006

against

Employer

under

REDUNDANCY PAYMENTS ACTS, 1967 TO 2003

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr. J. Fahy B.L.

Members: Mr. J. Redmond
Dr. A. Clune

heard this appeal at Galway on 1 August 2007

Representation:

Appellant: Ms. Diane Jackson, SIPTU No.3 Branch
Forster Court, Galway

Respondent: No representation or appearance

The determination of the Tribunal was as follows:

Determination:

The appellant's claim before the Tribunal was based on a redundancy situation having arisen, on 21 September 2005, by reason of short time at less than fifty percent of his normal working week. That is a two-day week when he was normally employed on a five-day week. During the appellant's evidence to the Tribunal it became apparent that he had continued to work for the respondent until some time in January 2007. In those circumstances, where the respondent was not present and in no position to consent to any change to the date the employment ended, the Tribunal must find that the question of redundancy on 21 September 2005 cannot arise and the appeal under the Redundancy Payments Acts, 1967 to 2003 must fail. This decision does not prevent the appellant from lodging anew claim for a redundancy lump sum based on the circumstances arising in January 2007.

Sealed with the Seal of the
Employment Appeals Tribunal

This _____

(Sgd.) _____

(CHAIRMAN)