

## EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:

CASE NO.

Employee

RP592/2006

against

Employer

under

### REDUNDANCY PAYMENTS ACTS, 1967 TO 2003

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Mr. D. Mac Carthy S C

Members: Mr J. Hennessy

Mr F. Barry

heard this appeal at Carlow on 10th September 2007

#### Representation:

Appellant: Mr. Phil Function, Noreside Resource Centre, 22 Vickers  
Street, Kilkenny

Respondent: Mr. Micahel McNamee BL instructed by Ms. Kelly Pollard,  
Legal Advisor, Das Group, 12 Duke Lane, Dublin 2

#### **Determination:**

The Claimant started work with the respondent in June 1984. In August 2002 she went out on medical certificates due to ongoing illness. The Respondent said that there was a second reason relating to her child.

In August 2006 the Respondent shop was closed down following a series of armed robberies and the staff then working in the shop were given redundancy payments.

The Claimant sought a redundancy payment but the Respondent declined on the grounds that she did not work for her anymore. At this stage it was four years since the Claimant had worked there.

Having heard both parties at length, it is clear to us that the Claimant was not dismissed by reason

of redundancy, because the reason she is no longer employed is related to her lengthy illness,  
(Which indeed continues one year later).

Accordingly, the claim under the Redundancy Payments Acts, 1967 to 2003, fails.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

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