

EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:

CASE NO.

Employee

RP489/2006

against

Employer

under

REDUNDANCY PAYMENTS ACTS, 1967 TO 2003

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr. P. Hurley B.L.

Members: Mr. P. Pierson
Mr. J. LeCumbre

heard this appeal at Athlone on 2 October 2007

Representation:

Appellant: In person

Respondent: In person

The determination of the Tribunal was as follows:

The respondent told the appellant on 10 July 2006 of his intention to close the business to pursue other interests some time in September 2006. The respondent gave the appellant a reference to assist in his search for alternative employment on 13 July 2006. The appellant was successful in obtaining alternative employment and commenced in his new position on 5 September 2006. The appellant left the respondent's employment on 1 September 2006 and was surprised not to receive redundancy pay with his regular pay. On questioning the lack of redundancy pay with the respondent the appellant was told that the situation had changed and the business was no longer to close. The appellant was not offered the continuation of his employment and was replaced some eight weeks after he left the employment.

Determination:

The Tribunal is satisfied that the appellant was given notice of redundancy on 10 July 2006. The Tribunal is further satisfied that the appellant left the employment on 1 September 2006 having anticipated the expiry of the respondent's notice as contemplated in Section 10 of the Redundancy Payments Acts, 1967 to 2003. That being the case, the evidence having shown that the respondent did not require the appellant to work until the expiry of the respondent's notice to the appellant, the Tribunal is satisfied that the appellant is entitled to a lump sum payment under the Redundancy Payments Acts, 1967 to 2003 based on the following criteria.

Date of Birth	26 March 1982
Employment commenced	5 October 2002
Employment ended	1 September 2006
Gross weekly pay	€370-00

Sealed with the Seal of the
Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)