

## EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:

CASE NO.

Employee

RP418/2006

against

Employer

under

### REDUNDANCY PAYMENTS ACTS, 1967 TO 2003

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Ms P. Clancy

Members: Mr G. Phelan  
Ms H. Kelleher

heard this appeal at Limerick on 6th November 2007

Representation:

\_\_\_\_\_

Appellant(s): In person

Respondent(s): In person.

The decision of the Tribunal was as follows:-

#### **Respondent's case.**

The respondent indicated that he had employed the claimant, as an apprentice, on 7<sup>th</sup> October 2002 and that he took the claimant on as an apprentice as he wanted to give him (the claimant) an opportunity.

He informed the claimant in September 2005 that upon his (the claimant's) return from the last FAS module that, due to the limited skills range available within the respondent company, he would have to gain further experience with another company. He confirmed that the claimant's employment terminated on 23<sup>rd</sup> December 2005. He understood that the claimant had no entitlement to redundancy.

In reply to questions from the Tribunal, the respondent confirmed that the apprenticeship in Metal Fabrication lasted for four years, that the claimant had obtained additional credit as a result of his

participation in a FAS Youthreach programme, which had been confirmed to him. He also stated that the claimant had not asked to leave, and he only ever had one other apprentice, a family member.

**Claimant's case.**

The claimant stated that he was engaged as an apprentice with the respondent from 7<sup>th</sup> October 2002 until the termination of his employment on 23<sup>rd</sup> December 2005. He stated that the respondent gave him prior notice, that is, before he left for the last period of block release with FAS, that he would be let go on his return.

In reply to questions from the Tribunal, the claimant agreed that he had received an additional credit for time spent on a FAS Youthreach programme, and accepted that his apprenticeship had terminated on 23<sup>rd</sup> December 2005.

**Determination**

Based upon the evidence adduced at the hearing, the Tribunal finds that the claimant is not entitled to redundancy, having regard to the provisions of Section 7(4)(d) of the Redundancy Payments Acts, 1967-2003.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

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

