

EMPLOYMENT APPEALS TRIBUNAL

Appeal of:
Employee

Case No.
RP274/2007

against

Employer

under

REDUNDANCY PAYMENTS ACTS, 1967 TO 2003

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms. O. Brennan B.L.

Members: Mr. M. Noone
Ms. M. Mulcahy

heard this appeal at Dublin on 2nd November 2007

Representation:

Appellant: Mr. Derek Oman, T.E.E.U., 5 Cavendish Row, Dublin 1

Respondent: In person

The decision of the Tribunal was as follows:

Claimant's Case:

The claimant started work as an apprentice with the respondent in November 2000. He received a telephone call from the respondent on the 30 April 2007. He was told that work was becoming scarce. The claimant was told that he had two weeks to finish the work that he was currently doing.

At the instigation of the respondent the claimant contacted a company that are a sub-agent of the respondent. An interview was arranged for the 8 May 2007. The claimant was told at the interview that the respondent had given a good reference for him. The claimant's employment ended on the 10 May 2007. On the 14 May 2007 the claimant requested his P-45 and redundancy.

The claimant was working two weeks in his new employment when he received a telephone call from the respondent on the 18 May 2007 asking him to return to work. The respondent told the claimant he was not entitled to redundancy as the claimant had broken his service. The respondent told the claimant that otherwise he would have been obliged to pay the claimant. The claimant subsequently received a letter from the respondent stating that the claimant had left the employment of the company of his own accord. The claimant stated this was untrue, as he had no reason to leave.

Respondent's Case:

Towards the end of 2006 the respondent's workload decreased. At the time of the telephone conversation on the 30 April 2007 the claimant was working on a project in Drogheda. Future work was discussed during this telephone call. The respondent had one project at that time but other projects were to start at a later date. The company that the claimant went to work for had contacted the respondent looking for staff. The respondent gave them the claimant's details.

Determination:

The Tribunal determined on the facts of the case and the evidence given at the hearing 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:	27 November 1979
Date of Commencement:	6 November 2000
Date of Termination:	10 May 2007
Gross Weekly Pay:	€815.00

Please note that a statutory gross weekly ceiling limit of €600.00 applies to all payments from the Social Insurance Fund.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)