

EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:
Employee

CASE NO.
RP250/2007

against

Employer

under

REDUNDANCY PAYMENTS ACTS, 1967 to 2003

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr. P. O'Leary B L

Members: Mr F. Cunneen
Mr G. Lamon

heard this appeal at Dublin on 12th December 2007

Representation:

Appellant:
In person

Respondent:
XXXX

The determination of the Tribunal was as follows:

Background:

The claimant began working as a cleaner for the respondent's cleaning business in February 2002. There was no contract of employment. Due to lack of work, the claimant was laid off on the 31st March 2007 and an RP9 form was sent to the claimant. The form was not returned via registered post and the respondent claims not to have received it. On 7th September 2007 the claimant returned the RP9 via registered post indicating his intention to claim a redundancy payment. The respondent, indicating that he contested the claim, and that work was available for a period of not less than 13 weeks, returned the RP9.

Respondent's case:

The respondent's position is that on the 13th September 2007 he offered the claimant employment that would last for thirteen weeks or more and that the claimant turned this down. The employment offered was cleaning a five-bedroom house in Enniskerry, Co Wicklow, for a couple of weeks, and after that further work elsewhere.

Claimant's case:

The claimant's position is that the work being offered was inaccessible, as he had to travel from

North County Dublin. He also believed that the employment would not last as long as thirteen weeks based on a phone call he had with the respondent about the job, where the respondent indicated that he could not guarantee more than two or three weeks work.

Determination:

The Tribunal, having carefully considered the submissions by both parties in this matter, find that the offer of work by the employer did not constitute the 13 weeks minimum specified by the Redundancy Acts 1967 to 2003. And therefore, award the claimant his statutory redundancy lump sum based on the following criteria: -

Date of Birth	Employment Commenced	Employment Ended	Gross Weekly Pay
15 th April 1959	18 th February 2002	31 st March 2007	€500-00

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)