

EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:

CASE NO.

Employee

RP518/2007

against

Employer

under

REDUNDANCY PAYMENTS ACTS, 1967 TO 2003

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr L. Ó Catháin

Members: Mr. M. Forde
Mr D. McEvoy

heard this appeal at Cork on 13th June 2008

Representation:

Appellant :

In person

Respondent :

Mr John Deasy, B.L., instructed by Ken Murray, Ken Murray & Co., Solicitors,
3 Oliver Plunkett Place, Midleton, Co. Cork

The decision of the Tribunal was as follows:-

Appellant's case:

The respondent let him go on 25th May 2007 and did not call him back him back to work. He rang for his P.45 in order to sign on for Social Welfare payments. He did not receive his P.45 as of the date of hearing this case.

In answer to questions from Tribunal members he stated that he was not waiting to be called back as he had recently secured alternative employment.

In cross-examination the appellant stated that he did not receive letter dated 25th June 2007 inviting him to return to work. He applied for his redundancy on 16th October 2007 and at that time he did

not have other work. He was claiming Social Welfare until he obtained alternative employment in March 2008 where he is working on a part-time basis.

Respondent's case:

The appellant was laid off on a temporary basis in May 2007, as work was slack at that time. It was explained to him that when things would pick up he would be called back to work. A hand written letter dated 25th June 2007 was sent to the appellant asking him to come back to work, however he rang the office and said he was not returning to work as he had secured alternative employment. He was a general worker. The appellant accepted the reasons for lay-off and accepted that he would be called back when things would pick up.

In answer to questions from Tribunal members, witness confirmed that his signature was on the copy of the undated form RP9, shown to the Tribunal. The appellant's P.45 was sent to the Revenue Commissioners as outlined in letter dated 22nd November 2007. The appellant said he would call in to collect the P.45 but did not do so, and in October 2007 the Revenue Commissioners requested that it be forwarded to them.

The Tribunal also heard evidence from an office employee who confirmed that she had a conversation with the appellant towards the end of June 2007, where he stated that he had obtained alternative employment and asked that she send out his P.45.

Determination:

The Tribunal is unanimous that since the appellant declined an offer of returning work his appeal under the Redundancy Payments Acts, 1967 to 2003 fails.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

