

EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:

CASE NO.

Employee - **Appellant**

RP669/2008

Against

Employer- **Respondent**

under

REDUNDANCY PAYMENTS ACTS, 1967 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr. M. Gilvarry

Members: Mr. D. Morrison
Mr. P. Clarke

heard this appeal at Sligo on 11 February and 2 March 2009

Representation:

Appellant:

In Person

Respondent:

Mr. A. J. Brennan, A. J. Brennan & Co
Auditors & Accountants, 23 Wolfe Tone Street, Sligo

The determination of the Tribunal was as follows:

Determination:

It was common case that the appellant received a lump sum payment under the Redundancy Payments Acts, 1967 to 2007 covering his employment from 15 August 2005 until 10 December 2007. The appellant's position was that he had been employed by a director of the respondent company and then by the respondent company since 1990. He accepted that the work had not been continuous, but asserted that it had been more or less continuous since 1996. The respondent's position was that the appellant had only been in continuous employment with the respondent since 15 August 2005.

At the completion of the evidence on the first day of hearing the matter was adjourned in order to allow the appellant the opportunity to provide some documentary evidence to back up his assertions. In the event the appellant did not attend the second day of hearing and, in circumstances where the Tribunal was satisfied that the appellant was properly on notice of the hearing, the Tribunal finds that the appeal for a lump sum payment based on a longer period of service than that already conceded and paid by the respondent under the Redundancy Payments Acts, 1967 to 2007 fails for want of prosecution.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)