

EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:
Employee

CASE NO.
- *appellant* RP734/2008

against

Employer

- *respondent*

under

REDUNDANCY PAYMENTS ACTS, 1967 TO 2003

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr. K. Buckley

Members: Mr. M. Forde
Ms. H. Kelleher

heard this appeal at Cork on 4 March 2009

Representation:

Appellant: In person

Respondent: Mr. Ken Hegarty of T.J. Hegarty & Sons, Solicitors,
South Mall, Cork

The decision of the Tribunal was as follows:-

Appellant's Case

He started work with the respondent in September 03. His apprenticeship was registered with FAS in October 03. He had to repeat Phase 2 of his apprenticeship within FAS. He completed Phase 6 in June 06.

He completed Phase 7 and finished his apprenticeship on 29 May 08. The delay in completing his apprenticeship was due to delay by the respondent in signing off the forms with FAS. He did have attendance problems early on in his apprenticeship but after receiving a final warning he rectified the situation immediately. He was given notice on 2 July 08 and his employment terminated on 25 July 08.

Respondent's Case

He was informed by the appellant, early in June 08 that his apprenticeship was completed. He later had a conversation with the appellant and informed him that he would not be keeping him on. A Training Advisor from FAS called to the premises on a number of occasions looking for the appellant. The appellant took more time than average to complete Phase 7 because of his poor attendance at work. Apprentices were usually let go in September on completion of their apprenticeship.

Determination

There was a disagreement between the parties over the reason for the delay in the appellant completing his apprenticeship. Both parties were in agreement that the apprenticeship was completed on 29 May 08. Both parties also agreed that the appellant's employment terminated on 25 July 08.

Under Section 7 (2) (4) of the Redundancy Payments Act, 1967 an employee who is dismissed within one month after the end of his apprenticeship is not entitled to redundancy payment. The appellant was dismissed more than one month after the completion of his apprenticeship. The Tribunal finds that the appellant is entitled to a redundancy payment based on the following information:

Date of Birth: 20 December 1985
Employment started: 15 September 2003
Employment ended: 25 July 2008
Gross weekly pay: €390.00

This award is made subject to the appellant having been in insurable employment under the Social Welfare Acts during the relevant period. The claim under the Redundancy Payments Acts, 1967 to 2007 succeeds.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)