

## EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:

Employee  
Against

*-appellant*

CASE NO.

RP994/2008

Employer

*-respondent*

under

### REDUNDANCY PAYMENTS ACTS, 1967 TO 2007

I certify that the Tribunal

(Division of Tribunal)

Chairman: Mr D. Mac Carthy S C

Members: Mr L. Tobin

Mr A. Butler

heard this appeal at Wicklow on 17th April 2009

#### **Representation:**

Appellant: XXXX

Respondent : Ms. Helen Barry, IBEC, Confederation House, Waterford Business Park,  
Cork Road, Waterford

#### **Determination:**

Having listened attentively and carefully considered the comments and submissions from both parties the Tribunal finds that the appellant's termination of employment was due to a combination of factors other than redundancy.

It was acknowledged from the respondent that the appellant was an exemplary employee and a real asset to the company. He was employed as a lorry driver from early 1999 and as a result of ill health had to cease work in February 2007. Around that time the respondent was engaged in a cost cutting exercise that included some redundancies. The appellant's position however remained in place.

The appellant reached his sixty-fifth birthday and this was the normal retirement age for that position. His employment ended because of ill health and retirement, not because of redundancy.

The appeal under the Redundancy Payments Acts, 1967 to 2007 therefore fails.

Sealed with the Seal of the  
Employment Appeals Tribunal

This \_\_\_\_\_

(Sgd.) \_\_\_\_\_  
(CHAIRMAN)