

EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:

CASE NO.

Employee

RP952/2008

- *appellant*

against

Employer

- *respondent*

under

REDUNDANCY PAYMENTS ACTS, 1967 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms P. McGrath

Members: Mr W. Power
Ms K. Garvey

heard this appeal at Carlow on 20th April 2009

Representation:

Appellant: In person

Respondent: John M. Foley & Company, Solicitors, Bagenalstown, Co. Carlow

The decision of the Tribunal was as follows:-

The respondent said that the claim was out of time, and that no redundancy arose as the claimant was dismissed after being issued with both verbal and written warnings.

The claimant said that he did not drink at work, only at home.

Determination:

The employee denied that he ever consumed alcohol in the workplace but accepted that there was an ongoing argument between his employer and himself regarding the issue of alcohol consumption either just prior to, or during his working day.

It was for these reasons that the employee was dismissed. There was no question of a redundancy having arisen at the time of dismissal. A payment under the Redundancy Payments Acts cannot therefore be made.

Whether this was ever a case that could appropriately have been made under the Unfair Dismissals legislation cannot be determined, where the T1A issued some 18 months post termination of employment, well outside the allowable time limits.

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

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

