

## EMPLOYMENT APPEALS TRIBUNAL

**APPEAL(S) OF:**

Employee

- *appellant*

**CASE NO.**

RP1121/2008

against

Employer

- *respondent*

under

### REDUNDANCY PAYMENTS ACTS, 1967 TO 2007

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Ms M. Mc Aveety

Members: Mr. M. Flood  
Mr P. Mc Aleer

heard this appeal at Monaghan on 3rd July 2009

Representation:

\_\_\_\_\_

Appellant(s) : County Monaghan Citizens Information, Centre Limited, 23 North Road, Monaghan

Respondent(s) : In person

The decision of the Tribunal was as follows:-

#### **Respondent's case.**

The managing director gave evidence on behalf of the respondent. On the 28<sup>th</sup> August 2008 he informed the appellant he was laying him off as business was quiet but would ring him if business picked up. He provided the appellant with a letter to allow him claim social welfare. The appellant approached him about ten days later seeking his redundancy. He agreed to pay him a sum over a period of time. He reneged on this agreement as he then offered the appellant his job back, as at this time he was aware that the appellant had another job lined up. He had a previous issue with the appellant as he had caught him selling hash one day, however he genuinely let him go because of the downturn in business. He could not recall if he had received the RP77 form that the appellant submitted as he had passed on all correspondence in relation to this to his solicitors.

## **Appellant's case**

The appellant gave evidence that he had commenced work with the respondent in May 2005. On the 28<sup>th</sup> August 2008 the respondent told him he would have to let him go. He asked the respondent for a letter to claim his social welfare. He approached the respondent about 4/5 days later seeking his redundancy payment. At this stage they reached an agreement that the respondent would pay him his lump sum over a period of stage payments. He could not recall the respondent offering him his job back after this agreement was reached. He received no payments so he served the respondent with an RP77 form on the 19<sup>th</sup> September 2008.

## **Determination**

Having considered the evidence adduced the Tribunal notes that the appellant served an RP77 form on the respondent on the 19<sup>th</sup> September 2008. The respondent said he offered the appellant his job back but it seems it was not a genuine offer. Also an employer is obliged to respond in writing within four weeks offering the employee in excess of continuous employment for thirteen weeks on receipt of an RP77 form. The Tribunal is satisfied that a redundancy situation existed within the company. Accordingly the Tribunal finds that the appellant is entitled to a redundancy lump sum under the Redundancy Payments Acts, 1967 to 2007 based on the following criteria.

Date of Birth	23 <sup>rd</sup> August 2005
Employment commenced	July 2005
Employment ended	28 <sup>th</sup> August 2008
Gross weekly pay	€545.00

This award is made subject to the appellant having been in insurable employment under the Social Welfare Acts during the relevant period.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

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