

EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:

CASE NO.

Employee - **Appellant**

RP37/2009

against

Employer - **Respondent**

under

REDUNDANCY PAYMENTS ACTS, 1967 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr J Flanagan BL

Members: Mr M Murphy
Ms E Brezina

heard this appeal at Dublin on 9th June 2009

Representation:

Appellant:

In person

Respondent:

Managing Director of the respondent

The determination of the Tribunal was as follows:

Determination:

The respondent provides contract-cleaning services. The respondent had employed the appellant as a part-time cleaner. The claimant had worked at the premises of a long-term client of the respondent from the commencement of her employment until July 2008 when the client, which relocated, severed its relationship with the respondent. The appellant, who had worked two hours per day, lived close to the client's premises such that she was able to walk to work. After taking holidays the appellant was offered alternative work in Tallaght, which she rejected on the basis that it was too far from her home. She was then offered a second alternative position in the city centre and decided to try this position on a trial basis. After three or four weeks the appellant decided that again the travelling time and the cost of travel were greater than she was prepared to incur and resigned. The Tribunal is satisfied that the position in the city centre did not, in the particular circumstances of this case, represent an offer of suitable alternative employment. Accordingly the Tribunal finds that the appellant is entitled to a lump sum payment under the Redundancy Payments

Acts, 1967 to 2007 based on the following criteria

Date of Birth	4 th March 1956
Employment commenced	13 th July 1999
Employment ended	19 th September 2008
Gross weekly pay	€105-00

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)