

EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:
Employee – *appellant*

CASE NO.
RP638/2009

Against

3 Employers

under

REDUNDANCY PAYMENTS ACTS, 1967 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr. T. Taaffe

Members: Mr. B. Kealy
Ms. E. Brezina

heard this appeal at Dublin on 9th of November 2009

Representation:

Appellant: In Person

Respondents: In Person

Appellant's Case

The appellant commenced employment for the first named respondent on 15th December 2004. On 3rd June 2007 she spoke to the business owner, the third named respondent, and informed her that she wished to join her friend who was travelling around Asia as soon as she could afford to go. The business owner said she would be sorry to lose a good employee.

On 29th July 2007, the appellant had a conversation with the business owner. The business owner said she would be happy to have the appellant work for her again and she should get in touch when she returned from her travels. The business owner did not say she would keep the appellant's job open for her. The appellant's employment ended on 6th August 2007.

The appellant contacted the business owner in January 2008 to say she would be back in the country in early February. The business owner did not have a vacancy in the first named respondent business. However the appellant was offered and accepted employment with the second named respondent business. She started work on 14th February 2008. On the 1st February 2009 the business owner informed her that this business was closing down. The appellant was made redundant, and paid her notice and holiday pay.

Respondent's Case

The appellant did not demonstrate an entitlement to a redundancy payment. Therefore the respondent was not required to give evidence.

Determination

The appellant voluntarily left her employment in August 2007. There was no question of her position being held open for her for the duration of her absence. The appellant was employed in a different business in February 2008. When the appellant was made redundant she did not have the required 104 weeks service to qualify for a redundancy payment. The appeal under the Redundancy Payments Acts, 1967 to 2007 fails.

Sealed with the Seal of the
Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)