

EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:
Employee

CASE NO.
RP221/2009

Against

Employer

under

REDUNDANCY PAYMENTS ACTS, 1967 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms P. McGrath

Members: Mr. L. Tobin
Mr G. Lamon

heard this appeal at Wicklow on 29th September 2009

Representation:

Appellant : XXXX

Respondent : Ensor O'Connor, Solicitors, Westgate, Wexford

The decision of the Tribunal was as follows:

The Tribunal has carefully considered the evidence adduced. There can be no doubt that a redundancy situation arose when the appellant's job description was moved to Rosslare, county Wexford. It may well be that the Board had intended that the appellant be re-trained or upskilled to carry out other new functions in the Tinahely, county Wicklow office. However, they never saw fit to address this with either the appellant or the Managing Director who directly supervised her. The appellant continued in employment up to the end of October 2008 having been told that her work was to be taken from her at the end of September.

In that four week period nobody from the Board clarified the situation for the appellant. She was never told that her services were required beyond the end of October. In the meanwhile, acting for and on behalf of the company, the Managing Director wrote to terminate the appellant's employment in line with his interpretation of the Board's email of the 30th of September. Again between the 5th of October to end of October 2008 no effort was made by the Board to reverse the letter of dismissal. The Respondent Company appears to be making the case that it did not know that the email was being treated as a redundancy and a termination had followed. The Tribunal finds that ignorance of the potential fallout from the email is not a credible or acceptable explanation.

Accordingly, the Tribunal allows the appeal under the Redundancy Payments Act, 1967 to 2007

and awards the applicant a statutory lump sum under the above Acts and based on the following:

Date of Birth: 9 July 1968
Date of Commencement : 1 March 2005
Date of Termination: 31 October 2008
Gross weekly Wage: €452.00

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)

