

EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:

CASE NO.

EMPLOYEE

RP641/2009

- appellant

against

EMPLOYER

- respondent

under

REDUNDANCY PAYMENTS ACTS, 1967 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr L. Ó Catháin

Members: Mr J. Hennessy
Mr J. McDonnell

heard this appeal at Waterford on 14th October 2009

Representation:

Appellant :

xxxxxx

Respondent :

Mr Derek Dunne, B.L., instructed by Ms Susan Forrestal,
Newell Quinn Gillen, Solicitors, South Parade, Waterford

The decision of the Tribunal was as follows:-

Respondent's Case

The respondent stated that he was downsizing the business and had to let three employees go. These three employees were being made redundant on the basis of 'Last In First Out' (LIFO). The appellant was not among the three.

The respondent was no longer doing business with MCT, and the appellant went to work for this contractor and gave the respondent one week's notice. An ex-employee gave evidence that he was waiting for the appellant to make up his mind as to whether or not he was taking the job with MCT because his future employment with the respondent was dependent on that decision.

Appellant's Case

The appellant heard rumours of the respondent going out of the bulk distribution side of the business. One day he was fixing a lorry in the yard when the respondent came to him and said that he was selling the appellant's lorry in addition to two other lorries and that he was letting the appellant go. The appellant was told that he would be due a Redundancy payment. A few days later, one of the Directors of MCT came to him and asked if he would come and work for him and the appellant agreed. The appellant started working for MCT one week later. He received a call from the office of the respondent asking him to sign a blank Form RP50. He confirmed that the respondent did not pay him his Redundancy entitlement.

Determination

The Tribunal is satisfied that the appellant's employment ended by reason of Redundancy and he is entitled to a Redundancy Lump Sum under the Redundancy Payments Acts 1967-2007 based on the following:

Date of Birth	9 th March 1969
Date Employment Commenced	15 th June 2001
Date Employment Ended	14 th June 2008
Gross Weekly Salary	€394.00

Please note that this award is being 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)

