

**EMPLOYMENT APPEALS TRIBUNAL**

APPEAL OF:  
EMPLOYEE *-appellant*  
against

CASE NO.  
RP345/2009

EMPLOYER *-respondent*  
under

**REDUNDANCY PAYMENTS ACTS, 1967 TO 2007**

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Mr. M. Gilvarry

Members: Mr. D. Morrission  
Ms R. Kerrigan

heard this appeal at Donegal on 6<sup>th</sup> November 2009

**Representation:**

Appellant : Siobhan McLoone, Letterkenny Citizens Information, Public  
Services Centre, Blaney Road, Letterkenny, Co. Donegal

Respondent : Jamie Tevlin, IBEC, 3<sup>rd</sup> Floor, Pier 1, Quay Street, Donegal.

The decision of the Tribunal was as follows: -

The appellant worked for the respondent from 6<sup>th</sup> of April 1999 until he left on sick leave for two years to re-commence employment in January 2009. Due to the appellants condition he was unable to resume his original position and there was no alternative positions available. The claimant has now recommenced employment with the respondent.

**Determination:**

Based on all the evidence the Tribunal finds that the appeal under the Redundancy Payments Acts, 1967 to 2007 fails as the appellants position was not made redundant The appellant has now recommenced employment retaining continuity of service and all associated employment rights remain.

Sealed with the Seal of the  
Employment Appeals Tribunal

This \_\_\_\_\_

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

