

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:
EMPLOYEE - appellant

CASE NO.
RP262/2009

against

EMPLOYER

under

REDUNDANCY PAYMENTS ACTS, 1967 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms P McGrath

Members: Mr B Kealy
Ms E Brezina

heard this appeal at Dublin on 1st September 2009, 17th November 2009 and 3rd December 2009

Representation:

Appellant(s): Mr. John Swords
Operative Plasterers & Allied Trades Society Of Ireland
72 Shantalla Road, Beaumont, Dublin 9
Mr Billy Wall
Operative Plasterers & Allied Trades Society Of Ireland
72 Shantalla Road, Beaumont, Dublin 9

Respondent(s): Mr. Stephen Sands
Construction Industry Federation,
Construction House, Canal Road, Dublin 6

The decision of the Tribunal was as follows:

The appellant commenced his employment with the respondent in February 2004 and commenced his apprenticeship as a plasterer on April 22nd 2004. The employer dismissed the appellant on November 14th 2008 when he had completed his apprenticeship and notified Fás on the same day. The appellant received the printout of his apprenticeship dates and noted that his completion date was November 15th 2008 and he contended, therefore, that he had been dismissed during his apprenticeship and was therefore entitled to a redundancy payment.

A witness on behalf of Fás explained that the computer system in Fás is not a live system and that information inputted during the day is uploaded to the system at midnight, resulting in the next day's date showing on the printout. However, the date printed on the certificate is the date Fás

was notified. The appellant showed his craft card to the Tribunal and it showed the date of completion as the 14th November 2008.

Determination:

The Tribunal finds that the appellant's employment was terminated on completion of his apprenticeship. The evidence of both the witness for Fás and the employer concurred in that the employment terminated on the 14th of November 2008. The appellant is not entitled to a redundancy lump sum payment under the Redundancy Payments Acts, 1967 to 2007.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)