

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:

CASE NO.

EMPLOYEE - *appellant*

RP740/2009

against

EMPLOYER - *respondent*

under

REDUNDANCY PAYMENTS ACTS, 1967 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr M. O'Connell B.L.

Members: Mr. M. Flood
Mr A. Butler

heard this appeal at Dublin on 20th January 2010

Representation:

Appellant(s) : In Person

Respondent(s) : In Person

The decision of the Tribunal was as follows:-

Appellant's Case

The appellant gave direct evidence that he worked as a mechanic in the respondent's garage. He worked alongside another mechanic and their manager. He had a good relationship with his employer and never received any complaints about his work performance. He was busy at work but agreed that some days were quiet. He was never told that work was slowing down and that he should seek alternative employment, but in January 2009 he was informed by his employer that he could no longer remain in employment due to a shortage of work. His mechanic colleague was not let go and remains in employment with the respondent. In response to questions from the Tribunal he confirmed that his mechanic colleague had longer service than he had.

Respondent's Case

Witness for the respondent gave direct evidence that the company's overheads were too high compared to the value of work that was at hand. He had to reduce the overheads and labour costs and took a decision to restructure the business. In January 2009 he terminated the appellant's employment as he did not have enough work available for him. Following the termination of the appellant's employment his workload was taken on by the company manager in addition to his own work.

Determination

Having considered all the evidence the Tribunal is of the opinion that the appellant was dismissed because of a shortage of work. Therefore a genuine redundancy situation existed and the appellant is entitled to a redundancy lump sum payment under the Redundancy Payments Acts 1967 to 2007 based on the following information.

Date of Birth:	20 March 1982
Date of commencement of Employment:	14 January 2007
Date of termination of employment:	16 January 2009
Gross weekly Pay:	€427.01

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)

