

EMPLOYMENT APPEALS TRIBUNAL

APPEALS OF:

CASE NO.

EMPLOYEE *-appellant*

RP462/2009

against

EMPLOYER *-respondent*

under

REDUNDANCY PAYMENTS ACTS, 1967 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr. D. MacCarthy

Members: Mr. J. Brown
Mr. A. Butler

heard this appeal at Wexford on 11th December 2009

Representation:

Appellant: In person

Respondent: In Person

The decision of the Tribunal was as follows: -

The appellant was informed that the factory he worked in full-time on behalf of the respondent – an employment agency, no longer needed his services. The respondent verbally offered the appellant an alternative position for two days a week. The appellant declined this offer as it was not possible for him to get to the alternative location and the alternative position was not on a full-time basis.

The appellant's contract did not include a definitive place of work. The respondent was under the impression that the appellant had left his employment as he refused the offer of work and informed them that he had secured an alternative position with a building contractor therefore was issued with his P45.

Determination:

The Tribunal finds that as the appellant was not offered alternative employment in writing he is entitled to a redundancy lump sum under the Redundancy Payments Acts, 1967 to 2007 based on the following criteria:

Date of birth: 9th July 1977
Date employment commenced: 6th March 2006
Date employment ceased: 7th March 2008
Gross weekly pay: €390.00
Lump sum due to Appellant: €1957.80

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)

