

## EMPLOYMENT APPEALS TRIBUNAL

CLAIM OF:  
EMPLOYEE

CASE NO.  
UD1528/2008

*-claimant*

against

EMPLOYER

*-respondent*

under

### UNFAIR DISMISSALS ACTS, 1977 TO 2007

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Mr. P. O'Leary B L

Members: Mr P. Pierson  
Mr O. Nulty

heard this claim at Monaghan on 17th February 2010

#### **Representation:**

Claimant: Mr. Brian Morgan, Morgan McManus, Solicitors, The Diamond, Clones, Co. Monaghan

Respondent: Mr Vincent Turley, Human Resource Services, 1 Black Lane, Latlurcan, Monaghan

The determination of the Tribunal was as follows:-

At the outset of the hearing it was established that the claimant had served an RP9 on the respondent. The respondent stated that their position was that a voluntary redundancy had taken place and that the claimant had received all statutory entitlements.

The claimant said that proper selection and fair procedures were not used in the lay off process.

#### **Determination:**

The selection process used for lay off within a company is not an issue where the Tribunal has jurisdiction.

As per form RP9, Part B *“An employee who claims and receives a redundancy payment in respect of lay off or short time is deemed to have voluntarily left his/her employment”*

By serving an RP9 on his employer, the claimant terminated his own contract and therefore his claim under the Unfair Dismissals Acts 1977 to 2007 must fail.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

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

