

EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:

CASE NO.

EMPLOYEE

- appellant

RP1902/09

Against

EMPLOYER

- respondent

under

REDUNDANCY PAYMENTS ACTS, 1967 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr T. Taaffe

Members: Mr C. Lucey
Mr F. Keogh

heard this appeal at Dublin on 26th April 2010.

Representation:

Appellant: In person

Respondent: In person.

The decision of the Tribunal was as follows:-

Respondent's Case:

In early April 2009 KG, a Director of the respondent company met staff and informed them that due to a shortage of work they were being placed on temporary lay off. A contract was secured in June 2009 and KG telephoned the appellant offering him work. The appellant was busy at the time and asked the respondent to give him a few weeks to finish a job he was working on. In early July 2009 KG again telephoned the appellant with an offer of work. The appellant informed him that he was considering setting up his own business but needed more time to consider the respondent's offer of work.

In September 2009 KG again telephoned the appellant and the appellant confirmed that he was not returning to work and he requested his P45. KG told the appellant to request his P45 in writing from the company's accountants.

KG contended that the appellant was never let go.

The company secretary told the Tribunal that she had spoken to the appellant on 12th June 2009 and 20th August 2009 offering him employment. She also said that the RP9 form was received from the appellant and that she had placed this form on KG's desk.

Appellant's Case:

Six to seven weeks after the appellant was let go from his employment he sought advice and filled out an RP9. He did not keep a copy. A former colleague hand delivered the RP9 to the respondent's office. Following the serving of the form, the appellant never received a response from the respondent. Neither was he ever furnished with his P45.

Determination:

The Tribunal is satisfied that the appellant was temporarily laid off on 30th March 2009 and approximately six to seven weeks later he completed an RP9 and a colleague hand delivered this form to the respondent. The respondent failed to respond to this. The respondent did not contest that they had received the document.

Accordingly, the Tribunal awards the appellant a redundancy lump sum under the Redundancy Payments Acts, 1967 to 2007 based on the following criteria:

Date of Birth:	10 th February 1985
Date of Commencement:	9 th September 2001
Date of Termination:	30 th March 2009
Gross Weekly Wage:	€820.56

This award is made subject to the appellant fulfilling current social welfare requirements in relation to PRSI contributions.

A statutory weekly ceiling of €600.00 currently applies to payments from the Social Insurance Fund.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)