

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:

CASE NO.

EMPLOYEE

RP1115/2009

against
EMPLOYER

under

REDUNDANCY PAYMENTS ACTS, 1967 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms P. McGrath
Members: Mr R. Murphy
Ms. P. Ni Sheaghda

heard this appeal at Dublin on 9th March 2010

Representation:

Appellant:

The appellant in person

Respondent:

The respondent in person

The decision of the Tribunal was as follows:-

Respondent's case

The respondent stated that the appellant had qualified as a carpenter having completed an apprenticeship in or around July 2008. Prior to completion of the apprenticeship the respondent notified the appellant that he was letting him go due to redundancy. However the appellant asked him to keep him on, stating that he would not claim a redundancy lump sum in the event of him being made redundant at a later date. The respondent agreed to continue to employ the appellant and to train him as a foreman.

Subsequently the respondent found himself without adequate work and terminated the appellant's employment on 24th October 2008.

Claimant's case

The appellant stated that he had finished his apprenticeship and became a qualified carpenter in July 2008. Having been told by the respondent that he was to be let go in order to break his service and therefore negate any entitlement to a redundancy lump sum, the appellant asked to be allowed to continue in employment. The respondent agreed to this request and commenced to pay the appellant at a rate appropriate to a qualified carpenter.

However the appellant's employment was then terminated on 24th October, which was more than four weeks after he had qualified. Therefore the appellant claimed he was entitled a redundancy lump sum payment.

Determination

The Tribunal were satisfied that the appellant had qualified as a carpenter in or around July 2008 and that his employment was terminated due to redundancy on 24th October 2008. There was no break in service at the end of the apprenticeship and the employment continued well in excess of the four-week period post apprenticeship in which an employer can make a newly qualified apprentice redundant without exposure under the Redundancy Payments Acts.

Therefore the tribunal awards the claimant a lump sum redundancy payment under the Redundancy Payments Acts, 1967 to 2007 based on the following criteria.

DOB	15 th August 1984
Commencement Date	1 st July 2003
Date notice received	10 th October 2008
Termination date	24 th October 2008
Gross pay	€820.00

This award is made subject to the claimant having been in insurable employment, during the relevant period, in accordance with the Social Welfare Acts.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

