

**EMPLOYMENT APPEALS TRIBUNAL**

APPEALS OF:  
EMPLOYEE - *appellant*

CASE NO.  
RP1734/2009  
MN1526/2009

against

EMPLOYER – *respondent*

under

**REDUNDANCY PAYMENTS ACTS, 1967 TO 2007  
MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2005**

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Mr. G. Hanlon

Members: Mr. N. Ormond  
Mr. P. Woods

heard this appeal at Dublin on 13 May 2010

**Representation:**

Appellant: In person

Respondent: In person

The decision of the Tribunal was as follows:

**Appellant's Case**

He started working for the respondent in October 2003. Later he was enrolled with FÁS as apprentice. There are 7 Phases to be completed before the apprenticeship ends. He finished Phase 6 in March by attending a college course and sitting exams. He expected to return to work with the respondent for a further 12 weeks on the job training. However the respondent let him go and he had to complete Phase 7 and finish his apprenticeship with another employer.

**Respondent's Case**

The respondent stated that the appellant was not made redundant. He was let go on completion of his apprenticeship. It is usual practice for him to release an apprentice on completion of the apprenticeship. An apprenticeship usually lasts for 108 weeks. In the appellant's case his apprenticeship lasted 230 weeks. He was an average apprentice but he failed an exam and there was a delay in organising a repeat sitting. As time went on the appellant was getting restless to finish. When the appellant completed Phase 6, the respondent certified his Phase 7 immediately

because he had sufficient service that the respondent was satisfied to certify his ability to do the required tasks.

**Determination**

The Tribunal carefully considered the evidence adduced. The Tribunal is not satisfied that a redundancy situation exists. The Tribunal finds that the respondent had completed all the documentation required for the appellant to be signed off by FÁS as having completed his apprenticeship. The claim under the Redundancy Payments Acts, 1967 to 2007 fails. The claim under the Minimum Notice and Terms of Employment Acts, 1973 to 2005 also fails.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

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