

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:

CASE NO.

EMPLOYEE

RP1952/2009
MN1219/2009

against
EMPLOYER

under

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

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms P. McGrath
Members: Mr. M. Flood
Mr F. Keoghan

heard this appeal at Dublin on 9th April 2010

Representation:

Appellant(s) :

Mr. Paul O'Reilly, Northside Centre For The Unemployed,
Glin Centre, Glin Road, Coolock, Dublin 17

Respondent(s) :

Mr. Stephen Sands, Construction Industry Federation,
Construction House, Canal Road, Dublin 6

The decision of the Tribunal was as follows:-

At the outset the appellant withdrew his appeal under the Redundancy Payments Acts, 1967 To 2007.

Having considered the evidence presented to it the Tribunal is satisfied that the appellant requested his redundancy entitlements in the course of his lay off. He ultimately got paid his redundancy monies, although there was some delay in obtaining same.

The legislation stipulates that in circumstances where an employee seeks redundancy entitlements whilst on lay off he cannot work out his minimum notice and therefore cannot be paid in lieu thereof.

Therefore the appeal under the Minimum Notice And Terms Of Employment Acts, 1973 To 2005 fails

Sealed with the Seal of the
Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

