

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:

CASE NO.

EMPLOYEE

RP1466/2009

appellant

against

EMPLOYER

respondent

under

REDUNDANCY PAYMENTS ACTS, 1967 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr. D. Mac Carthy S C

Members: Mr J. Hennessy
Mr. J. Dorney

heard this appeal at Kilkenny on 19th February 2010

Representation:

Appellant(s): Mr. Kieran Boland, Boland & Co., Solicitor, Patricks Court, Patrick Street,
Kilkenny

Respondent(s): XXXXXXXXXXX

The decision of the Tribunal was as follows:-

Determination

The appellant's employment came to an end by reason of redundancy. The issue is whether he is excluded from the Act under Section 4 if that happened within one month of the end of his apprenticeship.

The appellant was employed as an apprentice metal fabricator with the respondent from 16 September 2004 until 13 October 2008. He received a letter from the respondent dated 13 October 2008 informing him that once his apprenticeship period was over at the end of his current block release period that the respondent would not have a position available for him. The appellant received a letter dated 2 December 2008 from the respondent that it had made an error regarding the date of termination of his apprenticeship period and he was offered employment until the end of Phase 7 for a minimum of fourteen weeks. The appellant was on block release from 22 September 2008 until 5 December 2008. The appellant found alternative employment on a five-day week

having been on a three-day week before his block release.

There was confusion as between the employee, the employer and FAS about his dates of both the beginning and end of the apprenticeship. The respondent attempted to correct his error and asked him to stay until his apprenticeship ended, but the appellant declined. The Tribunal finds that the dismissal took place within the one-month period and his appeal fails.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

