

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) HAVE:

CASE NO.

EMPLOYEE

RP1604/2009

Against

EMPLOYER
under

REDUNDANCY PAYMENTS ACTS, 1967 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms J. McGovern B.L.

Members: Mr F. Cunneen
Mr T. Brady

heard this appeal at Dublin on 6th May 2010

Representation:

Appellant(s): The appellant in person

Respondent(s) In person

The decision of the Tribunal was as follows:-

Respondent's Case

CP told the Tribunal that the appellant was employed with the respondent on a fixed term contract. The respondent undertook sales support and building display. The respondent hoped that a contract it had with client G would be renewed but this was discontinued in February 2009. A client L requested the respondent to recruit employees in Dublin. The appellant was one of seven candidates who attended for interview and he was successful. The appellant was informed at the end of December 2008 that he had a job. By January to March 2009 client L hoped to have a full team of seven in situ. On 8 January 2009 he contacted the appellant to inform him that his position was still secure. On 16 February 2009 the appellant informed the field manager that he was not going to accept the position he was offered with the respondent. The appellant's career direction had changed and he wanted to undertake work in sales/shop management. He was aware that client L was keen to hire the appellant. The appellant told him that he had accepted a position of store manager with another company. He felt that a redundancy situation did not exist as he had

offered the appellant alternative employment and this he did verbally.

In answer to questions from the Tribunal he stated that all employees had fixed term contracts and the expiration of the contracts varied.

Appellant's Case

The appellant told the Tribunal that he attended for interview with client L in late September 2008. He was informed five days later that he was successful. He was not given a contract to sign. From September 2008 to January 2009 he did not hear anything further regarding the position. On 7 January 2009 RD field manager contacted him and told him that the respondent had lost a contract and all employees would be out of a job in February 2009. In mid February 2009 he was told that he had lost his job. He then sought alternative employment and two weeks later he obtained employment as an assistant store manager.

In answer to questions from the Tribunal he stated that he was let go from his job and sought alternative employment. He agreed that he had told his employer that he wanted a new challenge.

Determination

The Tribunal finds that a redundancy situation did not arise in the respondent. The appellant refused comparable alternative employment with the respondent. Accordingly the appeal under the Redundancy Payments Acts 1967 to 2007 fails.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

