

## EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:

CASE NO.

EMPLOYEE - *appellant*

RP1780/2009

against

EMPLOYER - *respondent*

under

### REDUNDANCY PAYMENTS ACTS, 1967 TO 2007

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Mr P. Hurley

Members: Mr P. Pierson  
Mr. S. O'Donnell

heard this appeal at Tullamore on 5th May 2010

Representation:

\_\_\_\_\_

Appellant(s) : In person

Respondent(s) : In Person

#### **Appellant's case**

The appellant gave direct evidence that he was on the 4<sup>th</sup> year of his 4 year apprenticeship when he was placed on a 3 day week by the respondent in October 2008. He attended college as part of his apprenticeship and returned to his workplace in March 2009. On 27 March 2009 the respondent told him that he had no more work available for him and he finished working for the respondent on that day. He was given a P45 by his employer and he completed a form notifying his employer of his intention to claim redundancy and gave it to his employer. He never received any redundancy payment from his employer and he was not offered 13 weeks full time employment. He did not recall being told by his employer that his job would still be there for him if economic conditions improved.

#### **Respondent's case**

Witness for the respondent gave direct evidence that the appellant was placed on temporary lay off on 27 March 2009 due to the downturn in the economy. On 27 May 2009 he requested his P45 and holiday pay due to him. He was advised that there was a possibility that conditions may improve and not to be too hasty in seeking his P45. He declined to accept this advice and he was issued with

his P45 on 29 May 2009.

### **Determination**

The appellant has demonstrated that he complied with the provisions of section 12 of the Redundancy Payments Act, 1967. Furthermore there is no evidence from the respondent that a counter notice under section 13 of the said Act was served. In these circumstances the Tribunal is satisfied that the appellant has established his entitlement to a redundancy lump sum payment under the Redundancy Payments Acts 1967 to 2007 based on the following information:

Date of Birth:	18 April 1988
Date of commencement of employment:	28 November 2005
Date of termination of employment:	27 March 2009
Gross weekly pay:	€406.40

This award is made subject to the appellant having been in insurable employment under the Social Welfare Acts during the relevant period.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

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

