

## EMPLOYMENT APPEALS TRIBUNAL

CLAIM(S) OF:  
EMPLOYEE

CASE NO.  
MN1191/2009

- *claimant*

against  
EMPLOYER

- *respondent*

under

### MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2005

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Mr. P. O'Leary B L

Members: Mr M. Murphy  
Mr O. Nulty

heard this claim at Monaghan on 5th May 2010

#### **Representation:**

Claimants(s) : In Person

Respondent(s) : In Person

The decision of the Tribunal was as follows:-

#### **Background:**

The claimant worked for the respondent company for over 13 years. Due to a downturn in business he was put on temporary lay off on January 8<sup>th</sup> 2009 and on February 5<sup>th</sup> 2009 he signed an RP9 form. He later received a redundancy payment through the Department of Enterprise, Trade and Employment.

#### **Determination:**

The appellant signed an RP9 form on February 5<sup>th</sup> 2009. Section B of the RP9 form states:

***“Notice of intention to claim Redundancy Lump Sum Payment in a LAY OFF / SHORT TIME situation***

*An employee who wishes to claim a redundancy lump sum because of lay off / short time must serve notice of intention to claim in writing within four weeks after a lay off / short time ceases. In order to become entitled to claim a redundancy lump sum on foot of a period of lay off, short time or a mixture of both, that period must be at least four consecutive weeks or a broken series of six weeks where all six fall within a thirteen-week period. An employee who wishes to terminate his / her contract of employment by reason of lay off or short time must give his / her employer the notice required by his / her contract or if none is required, at least one week's notice.*

***An employee who claims and receives a redundancy payment in respect of lay off or short time is deemed to have voluntarily left his / her employment and therefore not entitled to notice under the Minimum Notice and Terms of Employment Acts, 1973 to 2001.”***

Accordingly the claim 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)