

EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:

CASE NO.

EMPLOYEE

MN1646/09
RP1899/09

- appellant

Against

EMPLOYER

- respondent

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 N. O'Carroll-Kelly BL

Members: Mr J. Horan
Mr S. Mackell

heard this appeal at Naas on 18th May 2010.

Representation:

Appellant: In person

Respondent: John Nolan & Associates, Suite 10 Osprey Business Campus,
Devoy Quarter, Naas, Co Kildare

The decision of the Tribunal was as follows:-

Background:

The appellant commenced employment in 2002, left in 2003, returned in October 2004, left again on 20th April 2007 and returned on 11th July 2007. Following the appellant's departure on 20th April 2007 the respondent maintains that he requested his P45 and this subsequently issued to him. He was made redundant on 31st December 2008.

The appellant maintains that he suffered with back pain. He sought and was granted permission from the respondent to return to Lithuania for treatment on 20th April 2007. He was told he could return to work when fit to do so. On his arrival back on 11th July 2007 he spoke to the respondent and was offered work.

Determination:

The Tribunal is satisfied that a P45 issued to the appellant in genuine circumstances on 20th April 2007 and that the claimant failed to establish he had more than 104 weeks service. The appeal under the Redundancy Payments Acts, 1967 to 2007 fails.

The Tribunal is satisfied that the claimant was paid his notice and the claim under the Minimum Notice and Terms of Employment Acts, 1973 to 2005 also fails.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

