

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:
Employee

CASE NO.
RP1437/2009

against

Employer

under

REDUNDANCY PAYMENTS ACTS, 1967 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms D Donovan

Members: Mr R Murphy
Ms M Finnerty

heard this appeal at Dublin on 28th April 2010

Representation:

Appellant(s): In person

Respondent(s): In person

The decision of the Tribunal was as follows:

Respondent's Case:

The Managing Director of the respondent company disputed the appellant's claim for a redundancy payment. In the week after the HR manager had issued the appellant with his notice of termination the Managing Director had offered the appellant a position in their Swords branch. The appellant had turned down the offer as he was moving to Tallaght and the distance was too great to travel everyday. The appellant had previously only worked in city centre branches, but the Managing Director considered that his contract of employment required him to be flexible regarding location of employment.

Appellant's Case:

The appellant gave evidence that he was employed by the respondent company from September 21st 2006 until December 31st 2008. After he received his notice of termination of employment, issued December 1st 2008, he secured full-time employment at the bar where he worked part-time. He

contended that he was only offered the position in Swords after he requested, and was refused, a redundancy payment. He had been flexible about where he worked in the city centre, but Swords was too far from where he was moving.

Determination:

Having considered all the evidence the Tribunal finds that a redundancy situation existed as the alternative employment offered was unsuitable due to location. Accordingly, the Tribunal finds that that the appellant is entitled to a redundancy lump sum payment under the Redundancy Payments Acts, 1967 to 2007, based on the following information:

Date of Birth:	20 th January 1983
Date of Commencement:	21 st September 2006
Date of Termination:	31 December 2008
Weekly Gross Pay:	€401.29

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)