

EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:
EMPLOYEE
-appellant

CASE NO:
RP1109/2009

against

EMPLOYER *-respondent*

under

REDUNDANCY PAYMENTS ACTS, 1967 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr. D. Herlihy

Members: Mr. W. O'Carroll
Mr. T. Kelly

heard this appeal on 14th May 2010 at Limerick

Representation:

Appellant: Ms. Rose Wrenn, Limerick Citizens Information Centre, 54 Catherine Street, Limerick

Respondent: Mr. Chris MacAuley, Powers Solicitors, Hospital, Co. Limerick

Respondent's Case

The appellant was not made redundant he was dismissed for Gross Misconduct. The appellant was issued with numerous verbal warnings and eventually dismissed on the 28th of November 2008. The verbal warnings were for absenteeism without authorisation, leaving the respondent's sites without permission and instructing another employee to drive the respondent's van without permission or insurance. The last warning was issued to him on the 26th of November 2008. The appellant was replaced with two part-time workers.

Appellant's Case

The appellant was never given an opportunity to explain his actions. The appellant did not have a contract of employment or terms and conditions of employment. The respondent informed him he was being dismissed but did not make him redundant.

Determination

The Tribunal finds that the appeal under the Redundancy Payments Acts, 1967 to 2007 fails as the appellant was dismissed from his employment for gross Misconduct and by his own evidence not made redundant.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)