

**EMPLOYMENT APPEALS TRIBUNAL**

APPEAL(S) OF:  
EMPLOYEE – appellant

CASE NO.  
RP2528/2009

against

EMPLOYER – respondent

under

**REDUNDANCY PAYMENTS ACTS, 1967 TO 2007**

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Dr A Courell BL

Members: Mr T L Gill  
Mr T J Gill

heard this appeal at Sligo on 28th May 2010

Representation:

\_\_\_\_\_

Appellant(s): In person

Respondent(s): In person

The decision of the Tribunal was as follows:

Appellant's Case:

The appellant gave evidence that on Friday 24<sup>th</sup> July 2009 his employer told him and his sole colleague that there was no work and that he would have to let them go. He offered them the stainless steel part of the business. The following Monday the appellant and his colleague refused the offer of the business. His employer offered him redundancy and said he would pay him €1,400 initially and then the rebate when it arrived. The respondent later refused to pay a redundancy payment.

Two weeks later his employer asked him to return on a two-day week. His former colleague had been given full-time hours but he couldn't do the work that the appellant could do and he would have to let him go if the appellant returned. The appellant declined the offer.

Respondent's Case:

The respondent gave evidence that orders to the business had reduced. He offered the appellant and his other employee the stainless steel part of the business free for the first six months on the basis that they weren't employees anymore, but they refused. After the appellant refused the business offer he offered both employees two to three days per week. He could not recall exactly when this was. As appellant refused he believed that he did not have an entitlement to a redundancy payment. The other employee, who had only six months experience, was then kept on for a further seven months on full-time hours.

He asked the appellant to return and told him his employment would not be broken. The appellant was concerned that his return would put his colleague out of work. The employer did not have enough work for two full-time employees. He did not dispute that the appellant's contention that he had given him notice of termination on July 24<sup>th</sup> 2009.

Determination:

Having heard all the evidence the Tribunal is satisfied that a redundancy situation existed and accordingly finds 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:	3 <sup>rd</sup> October 1972
Date of Commencement:	26 <sup>th</sup> February 2007
Date of Termination:	14 <sup>th</sup> August 2009
Gross Weekly Pay:	€650.00

This award is made subject to the appellant having been in insurable employment under the Social Welfare Acts during the relevant period. It should be noted that a statutory weekly ceiling of €600.00 applies to payment from the Social Insurance Fund.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

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