

EMPLOYMENT APPEALS TRIBUNAL

CLAIM(S) OF:
EMPLOYEE

CASE NO.
UD1661/2009

- claimant

against
EMPLOYER

- respondent

under

UNFAIR DISMISSALS ACTS, 1977 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms N. O'Carroll-Kelly BL

Members: Ms J. Winters
Mr O. Nulty

heard this claim at Monaghan on 23rd July 2010

Representation:

Claimant(s) : In Person

Respondent(s) : In Person

The determination of the Tribunal was as follows:-

Background:

The claimant was employed by the respondent as a Manager of the restaurant. In December 1st 2008 he was informed that due to the economic climate the position of Manager was being made redundant. The respondent said he would cover the position. The claimant was offered a position in the kitchen on a lower wage. He was advised to discuss the matter with his spouse. The following day he informed the respondent that he could not take up the offer.

Determination:

Having heard the evidence and submission from both parties in this case the Tribunal finds that a dismissal did not take place. Accordingly the claim under the Unfair Dismissals Acts, 1977 to 2007 fails.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)