

EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:

CASE NO.

EMPLOYEE

RP1890/09

- appellant

against

EMPLOYER

- respondent

under

REDUNDANCY PAYMENTS ACTS, 1967 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr. T. Ryan

Members: Mr J. Goulding
Mr J. Flannery

heard this appeal at Dublin on 27th July 2010.

Representation:

Appellant: In person.

Respondent: In person.

The decision of the Tribunal was as follows:-

Appellant's Case:

The appellant commenced employment on 22nd October 2004. He worked as a security officer on a site in Ballycoolin. He went on holidays in early November 2008 and returned to work towards the end of that month. As the roster had been prepared for the following weeks no work was available for him.

He telephoned the office several times after that and spoke to receptionist M seeking work. She said that there was a new policy in place and told him he must communicate with the Company by email in the future. He did this as requested but no work was forthcoming.

He received a letter dated 27th February 2009 from the General Manager stating that he had not worked since 24th November 2008 due to loss of contracts.

He subsequently sought his redundancy lump sum entitlement. He never received this payment.

Respondent's Case:

The appellant had been a very good employee. Approximately five weeks after the appellant's return from holidays work was offered to him on an alternative site on the Naas Road. The appellant declined the offer of work on this site and heard nothing further from the appellant after that.

Determination:

The Tribunal carefully considered the evidence adduced at the hearing. Following the appellant's return from holidays no work was available for him. He made numerous calls and sent e-mails to the respondent requesting work but received no replies. The respondent issued the appellant with a letter on 27th February 2009 indicating that the appellant had not worked for the company since 24th November 2008 due to loss of contracts.

The Tribunal finds that a redundancy situation existed in the company and that the appellant is entitled to a redundancy lump sum based on the following criteria:

Date of Birth:	23 rd January 1972
Date of Commencement:	22 nd October 2004
Date of Termination:	20 th November 2008
Gross Weekly Wage:	€439.00

This award is made subject to the appellant fulfilling current social welfare requirements in relation to PRSI contributions.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)