

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:
EMPLOYEE – appellant

CASE NO.
RP2163/2009
MN1806/2009

against

EMPLOYER – respondent

under

REDUNDANCY PAYMENTS ACTS, 1967 TO 2007
MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2005

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr P Hurley

Members: Mr T L Gill
Mr T J Gill

heard this appeal at Loughrea on 1st July 2010

Representation:

Appellant(s): No appearance or representation

Respondent(s): Mr Thomas Taylor
22 Cypress Pk, Templeogue, Dublin 6w

The decision of the Tribunal was as follows:

There was no appearance by, or representation on behalf of, the appellant. The Tribunal is satisfied that the appellant was on notice of the hearing.

The respondent's representative contended that the appellant was not entitled to make a claim under the Redundancy Payments Acts as he did not have 104 weeks of service at the end of his employment. The appellant commenced his employment in March 2005. He left the employment in June 2006 and asked for his P45. The respondent's representative produced a P45 which stated that the date of leaving was June 7th 2006. A year later the appellant applied for a job with the company and was successful. He commenced the second period of employment on July 3rd 2007. His employment was terminated on June 6th 2008.

The respondent's representative requested that the appeals be dismissed based on the submissions above and as the representative and the respondent witness had travelled from Dublin and London

respectively for the hearing.

Determination:

The Tribunal heard the uncontested evidence of the respondent that the appellant commenced work with the company on March 23rd 2005 and finished on June 7th 2006. He commenced in July 2007 and his employment was finally terminated on June 6th 2008. The Tribunal is satisfied that the appellant has not established that he had the requisite 104 weeks unbroken service to give him an entitlement to bring a claim under the Redundancy Payments Acts, 1967 to 2007. Therefore the Tribunal dismisses the appeal.

The appeal under the Minimum Notice and Terms of Employment Acts, 1973 to 2005, is dismissed for want of prosecution.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)