

EMPLOYMENT APPEALS TRIBUNAL

CLAIM(S) OF:
EMPLOYEE – claimant

CASE NO.
UD761/2009
RP831/2009
MN778/2009

against

EMPLOYER – respondent

under

UNFAIR DISMISSALS ACTS, 1977 TO 2007
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: Ms E Kearney B.L.

Members: Mr T L Gill
Mr T J Gill

heard this claim at Loughrea on 24th March 2010

Representation:

Claimant(s): In person

Respondent(s): In person

The determination of the Tribunal was as follows:

Claimant's Case:

The claimant withdrew his claim under the Unfair Dismissals Acts, 1977 to 2007, as he intended to claim for a redundancy payment.

The claimant gave evidence that he worked for the respondent for over three years. In April 2008 his employer told him that there was no work and that he was trying to get jobs. He said that if the claimant found work his employment would be finished. He visited his employer a number of times over the next few weeks seeking work. His employer told him to start looking for another job, which he did, and secured work at the beginning of June 2008.

He contended that he wrote to his employer in March 2009 seeking a redundancy payment, but the letter was returned by the post office. He did not have the letter.

Respondent's Case:

The respondent gave evidence that work was slow in 2008. There had been more employees, but towards the end it was just the two of them. If he got work he called the claimant. He told the claimant that if he got work he should take it. He told him to speak to the employer he later got work with. In early May 2008 the claimant told him that he had secured work and requested his P45. The respondent never received an application for redundancy from the claimant.

Determination:

The Tribunal finds that the claimant did not apply for a redundancy payment from his employer and is therefore not entitled to a redundancy payment, by way of short-time or lay-off, under the Redundancy Payments Acts, 1967 to 2007. The Tribunal did not hear evidence indicating a breach of the Minimum Notice and Terms of Employment Acts, 1973 to 2005, and therefore the appeal under that Act is dismissed.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)