

EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:
EMPLOYEE - *appellant*

CASE NO.
RP2521/2009

against
EMPLOYER

EMPLOYER

under

REDUNDANCY PAYMENTS ACTS, 1967 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms S. McNally

Members: Mr D. Hegarty
Ms. P. Doyle

heard this appeal at Cork on 28th July 2010

Representation:

Appellant: In person

Respondent: In person

The decision of the Tribunal was as follows:

Appellant's Case

The appellant gave evidence that he commenced employment with the respondent on the 6th September 2004. In early 2009 he informed the manager that through his college he may achieve a work placement and so therefore would not be available to work fulltime. However he intended to continue to work on a part-time basis with the respondent. His work placement commenced on the 23rd March 2009. He always worked on a part-time basis during the college term and during the holidays he worked more time for the respondent.

Respondent's Case

The respondent gave evidence that as the shopping centre in which they operated was being demolished all employees were made redundant. The appellant had not received redundancy for a number of reasons, in January 2009 the appellant could no longer do full-time and had voluntarily changed his job to part-time. The appellant had also indicated that he would be leaving in the

summer because of his work placement so he had effectively handed in his notice. At the time the appellant was made redundant he was also in another position with a salary so accounts though he was not eligible for redundancy. The respondent explained that they did not pay the appellant redundancy as they are bound by the rules of the exchequer.

Determination:

Based on the evidence adduced at the hearing, the Tribunal finds that the appellant is entitled to a redundancy lump sum under the Redundancy Payments Acts, 1967 to 2007 based on the following criteria:

Date of birth	10 th September 1976
Date employment commenced	6 th September 2004
Date employment ceased	12 th June 2009
Gross weekly pay	€79.96

This award is made subject to the appellant having been in insurable employment under the Social Welfare Acts during the relevant period.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)