

## EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:

CASE NO.

EMPLOYEE

RP 1120/2009

against

EMPLOYER

under

### REDUNDANCY PAYMENTS ACTS, 1967 TO 2007

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Mr J Flanagan BL  
Members: Mr D Winston  
Mr J Maher

heard this appeal at Dublin on 6<sup>th</sup> November 2009

#### **Representation:**

Appellant(s): Mr Blazej Nowak, Polish Consultancy Enterprise, 19 Talbot Street, Dublin 1  
Respondent(s): The respondent in person

The decision of the Tribunal was as follows: -

#### **Determination:**

The respondent firm was an employment agency. The appellant sought redundancy by reason of lay-off and served a notification of intention to claim redundancy using Form RP50 and dated 30<sup>th</sup> March 2009. The respondent served a counter-notice within seven days. The Tribunal notes that Part C was not fully completed by the respondent in that the date of commencement of thirteen weeks work was not filled in. Both parties agreed that a meeting had taken place on 3<sup>rd</sup> April 2009 and although the conversation at this meeting was somewhat confused and ambiguous the Tribunal is satisfied that the appellant was indicating that he was happy in his work elsewhere and the import of the conversation was that the appellant did not want to leave his new employment to continue in work with the respondent. The respondent did not give an exact start date for the new work until he had consulted with the appellant and when this meeting occurred the appellant was not willing to take new work from the respondent. The Tribunal therefore holds that the claim under the Redundancy Payments Acts, 1967 to 2007 fails as an offer of further employment was not

acceptable to the claimant.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

(Sgd.) \_\_\_\_\_  
(CHAIRMAN)