

EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:

CASE NO.

EMPLOYEE –**Appellant**

RP55/2010

against

MN1541/2010

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: Ms. K.T. O'Mahony B.L.

Members: Mr. P. Casey
Mr. D. McEvoy

heard this appeal at Cork on 17 September 2010

Representation:

Appellant:

Ms. Marie Walsh B.L. instructed by Ms. Lucy O'Sullivan,
Albert Wolfe & Co. Solicitors, Main Street,
Innishannon, Co. Cork

Respondent:

Director of the respondent

The determination of the Tribunal was as follows:

Determination:

The respondent's position was that the appellant received four years' notice of termination at the start of his apprenticeship on 1 October 2004. The appellant completed his apprenticeship on 14 October 2008. The appellant continued in the employment until 23 June 2009 when the director gave the claimant notice that his employment was to be terminated with effect from 3 July 2009 because of lack of work.

Section 7 (4) of the Redundancy Payments Acts, 1967 to 2007 provides

Notwithstanding any other provision of this Act, where an employee who has been serving a period of apprenticeship training with an employer under an apprenticeship agreement is dismissed within one month after the end of that period, that employee shall not, by reason of that dismissal, be entitled to redundancy payment.

The appellant's employment was not terminated in the month following the completion of his apprenticeship. Accordingly, the Tribunal finds that the appellant is entitled to a lump sum payment under the Redundancy Payments Acts, 1967 to 2007 based on the following criteria.

Date of Birth	13 March 1980
Employment commenced	1 October 2004
Employment ended	3 July 2009
Gross weekly pay	€778-00

This award is made subject to the appellant having been in insurable employment under the Social Welfare Acts during the relevant period. It should be noted that payments from the social insurance fund are limited to a maximum of €600-00 per week

The respondent having consented to the addition of a claim under the Minimum Notice Acts, 1973 to 2005 and the evidence having shown the appellant did not receive his statutory entitlement of two weeks' notice the Tribunal further awards €311-20, being two days' pay, under those Acts.

Sealed with the Seal of the
Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)