

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:
EMPLOYEE - *appellant*

CASE NO.
RP1785/2009

against

EMPLOYER - respondent
EMPLOYER – respondent

under

REDUNDANCY PAYMENTS ACTS, 1967 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr. D. Mac Carthy S C

Members: Ms J. Winters
Ms M. Finnerty

heard this appeal at Navan on 25th August 2010

Representation:

Appellant: Ms. Maureen Finlay, Citizens Information Centre, 1 Brews Hill, Navan, Co Meath

Respondent: In person

The decision of the Tribunal was as follows:-

The appellant commenced employment for the respondent as a mobile tyre fitter in July 2004. In October 2007 the appellant was charged with drink driving, so subsequently knew he would be losing his licence. The appellant informed the respondent of this situation. On foot of this in October 2007 the respondent offered the appellant redundancy or alternatively he could work on in the company and the respondent would try and accommodate him with employment. The appellant refused the redundancy in October 2007 and continued to work for the respondent.

The appellant lost his driver's licence in March 2008 and continued to work for the respondent in the depot. The respondent hired another mobile tyre fitter in March 2008 to replace the appellant. The appellant was let go by the respondent on the 25th July 2008, as the position in the depot was not financially viable for the company.

Determination

The Tribunal by majority determine that the position that the appellant held as a mobile tyre fitter was not redundant. The respondent recruited another person to the role of mobile tyre fitter when the appellant lost his licence. It was to the respondent's credit that they created another position for

the appellant within the company, however this turned out not to be financially viable.

The appellant losing his licence was the primary factor why he lost his job. Therefore the appeal under the Redundancy Payments Acts, 1967 to 2007 must fail.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

