

EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:
EMPLOYEE

- *appellant*

CASE NO.
RP2169/2009

against
EMPLOYER

- *respondent*

under

REDUNDANCY PAYMENTS ACTS, 1967 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms. M. Levey B.L.

Members: Mr C. Lucey
Mr P. Trehy

heard this appeal at Dublin on 8th July 2010.

Representation:

Appellant: In person

Respondent: In person

The decision of the Tribunal was as follows:-

The appellant gave direct sworn evidence. He was injured during the course of his work in March 2007 and was claiming sick benefit for the next three years. He submitted medical certificates to Social Welfare during this time but not to his employer. He met an ex-employee of the respondent who informed him that the respondent had laid off staff and paid them redundancy. He currently has a claim against the respondent going through the PIAB. He was certified fit for work about three months ago. At this time he did not approach or inform the respondent that he was fit to return to work.

An ex-employee gave evidence that he was made redundant by the respondent in January 2009; the respondent had informed him that the company was stopping. He had received his redundancy pay.

The respondent maintained that he was still trading.

Determination

The onus was on the appellant to approach the respondent after being certified fit for work to establish whether there was employment for him within the company. Also the appellant never sent medical certificates to work when he was out on long-term sick leave.

As the appellant never sought to return to work the appeal under the Redundancy Payments Acts 1967 to 2007 must fail.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

