

**EMPLOYMENT APPEALS TRIBUNAL**

APPEALS OF:

CASE NO.

EMPLOYEE  
–Appellant

RP1732/2009  
MN1525/2009  
WT656/2009

against

EMPLOYER  
–Respondent

under

**REDUNDANCY PAYMENTS ACTS, 1967 TO 2007  
MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2005  
ORGANISATION OF WORKING TIME ACT, 1997**

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Ms. C. Egan B.L.

Members: Mr. P. Pierson  
Mr. M. McGarry

heard these appeals at Carrick on Shannon on 6 July  
and 12 October 2010

**Representation:**

Appellant: Mr. Augustine Mamedu, GM Solicitors,  
6 Keon's Terrace, Longford

Respondent: Mr. Michael O'Sullivan, ARRA HRD,  
Castlelost West, Rochfortbridge, Co. Westmeath

The determination of the Tribunal was as follows:

**Determination:**

The appellant was employed by the respondent, an electrical contractor, from 2001 as an electrician working at numerous locations both in this jurisdiction and, on occasion, in the UK. Due to a downturn in work the appellant was laid off from around 15 May 2009. At the same time the appellant had become dissatisfied with certain aspects of his employment and had consulted a solicitor such that the solicitor wrote to the respondent on 14 May 2009 to seek redress on behalf of the appellant.

There were negotiations between the parties and the appellant sought to enquire as to the possibility of his position with the respondent being declared redundant. The appellant's position is that, on 27 May 2009, he was offered a redundancy package and was also offered a small job in Navan. On 29

May 2009 the appellant's solicitor wrote to the respondent stating that the appellant wanted to accept the redundancy package and sought his form P45. The respondent's position is that, on 27 May 2009, the appellant was not offered a redundancy package but was told of the possibility of a job in Navan that was not yet confirmed. On 5 June 2009 the Managing Director (MD) of the respondent wrote to the appellant to tell him that a redundancy situation did not arise and to confirm that the position in Navan was confirmed and he had been pencilled in for the position. The appellant's solicitor wrote to the respondent on 8 June 2009 again seeking the P45. This was supplied to the appellant with the appellant's finishing date being listed as 29 May 2009.

The Tribunal is satisfied that the position in Navan was discussed with the appellant on 27 May 2009 and that once this position was confirmed on 5 June 2009 this represented suitable alternative employment for the appellant. It follows that a redundancy situation did not arise. Rather the Tribunal finds that in the letter of 29 May 2009 from his solicitor the appellant abandoned his employment. In such circumstances claims under both the Redundancy Payments Acts, 1967 to 2007 and the Minimum Notice and Terms of Employment Acts, 1973 to 2005 do not arise. The claim under the Organisation of Working Time Act, 1997 was withdrawn during the hearing.

Sealed with the Seal of the  
Employment Appeals Tribunal

This \_\_\_\_\_

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