

EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:

CASE NO.

EMPLOYEE
–Appellant

RP791/2010

against

EMPLOYER
–Respondent

under

REDUNDANCY PAYMENTS ACTS, 1967 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr. D. MacCarthy S.C.

Members: Mr. D. Moore
Mr. J. Flannery

heard this appeal at Dublin on 6 December 2010

Representation:

Appellant:
In person

Respondent:
Mr. Ken Stafford

The determination of the Tribunal was as follows:

Determination:

The appellant began employment with the respondent on 5 September 2005 and from the outset was paid at the appropriate rate as an apprentice electrician. Whilst there was some debate about the date the apprenticeship was registered with FAS it is common case that the appellant successfully completed the apprenticeship on 13 November 2009. The appellant was given verbal notice of the termination of his employment on 30 October 2009 and his employment terminated on 16 November 2009.

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 Tribunal is satisfied that, as the appellant was dismissed on 16 November 2009, that is within one month after the end of the agreed date of the end of the apprenticeship, then the appellant is not entitled to a lump sum payment under the Redundancy Payments Acts and accordingly the appeal must fail.

Sealed with the Seal of the
Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)