

## EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:  
EMPLOYEE

CASE NO.  
RP2831/2009

against

EMPLOYER  
EMPLOYER

under

### **REDUNDANCY PAYMENTS ACTS, 1967 TO 2007**

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Mr N. Russell

Members: Mr J. Hennessy  
Mr F. Dorgan

heard this appeal at Clonmel on 8th November 2010

### **Representation:**

Appellant : Thomas F Griffin & Co, Solicitors, Parnell Street, Thurles, Co Tipperary

Respondent : Mr Conor O' Connell, Construction Industry Federation,  
Construction House, 4 Eastgate Avenue, Little Island, Cork

The decision of the Tribunal was as follows:

The Tribunal was subjected to conflicting evidence on almost every aspect of this case. Neither the appellant nor the respondent could substantiate their version of events with independent witnesses or convincing documentary evidence. Having considered the adduced evidence and submissions the Tribunal, on balance, favours the appellant's account. The Tribunal does not accept that the appellant resigned from the respondent during his service of employment. While there were some breaks in his employment in 2009 the appellant was never formally placed in a lay-off or short-time situation. Accordingly, the appeal under the Redundancy Payments Acts, 1967 to 2007 succeeds and the appellant is awarded a statutory lump sum under those Acts and based on the following:

Date of Birth: 02 March 1949  
Date of Commencement : 8 May 1989  
Date of Termination: 10 April 2009  
Gross Weekly Wage: €600.00

This award is made subject to the appellant having been in insurable employment during the relevant period in accordance with the Social Welfare Acts.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

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

