

EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:

CASE NO.

EMPLOYEE

RP2837/2009

against

EMPLOYER

under

REDUNDANCY PAYMENTS ACTS, 1967 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms N. O'Carroll-Kelly B L

Members: Mr. L. Tobin
Mr A. Butler

heard this appeal at Wicklow on 4th January 2011

Representation:

Appellant : XXXXXXXX

Respondent : No representation listed

The decision of the Tribunal was as follows:

The appellant's T1-A form was received by the secretariat on 4 November 2009. Accompanying that form was a statement from the appellant containing among other things that he left the employment of the respondent on 10 April 2009 "due to personal matters/reasons". The secretariat received a reply from the respondent on 9 March 2010 stating that the appellant left his employment "of his own accord". That office received formal written notification from the appellant's wife ten days later that her husband had died earlier that month.

During the hearing the owner of the respondent told the Tribunal that the appellant approached him on Easter Monday 2009 informing him that he was resigning with immediate effect. This witness said that the appellant cited domestic reasons for that unexpected development. In a subsequent letter that owner wrote that at that time the respondent had no suitable work for the appellant. While that statement was factually accurate the witness had nevertheless other type of work for him at that time. He maintained that the respondent neither dismissed the appellant nor placed him in a redundancy situation.

The appellant's widow said her late husband did not comment on the circumstances of his cessation of employment at the time of his departure from the respondent. She felt that he might have used a domestic situation as an excuse to leave his employment. By April 2010 he was "worn out" due to his work situation.

Determination

Having carefully considered this case the Tribunal finds on balance that it cannot conclude that the appellant's cessation of employment with the respondent was due to redundancy. The adduced evidence together with the appellant's own statement strongly indicated that his termination of employment was for reasons other than redundancy. The circumstances of those other reasons did not come under the legalisation as prosecuted by the appellant.

The appeal under the Redundancy Payments Acts, 1967 to 2007 is dismissed.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

