

EMPLOYMENT APPEALS TRIBUNAL

APPEALS OF:

CASE NO:

EMPLOYEE

RP85/2010

- Appellant

against

EMPLOYER

- Respondent

under

REDUNDANCY PAYMENTS ACTS, 1967 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms. P. Clancy

Members: Mr. B. O'Carroll
Ms. T. Kelly

heard this appeal in Limerick on 17 January 2011

Representation:

Appellant: In Person

Respondent: Peninsula Business Services (Ireland) Limited, Unit 3, Ground Floor,
Block S, East Point Business Park, Dublin 3.

The decision of the Tribunal was as follows:

Background:

The gross pay for the appellant was in dispute. The appellant was informed that he was to be paid off due to a downturn in business and was informed, "there might not be a bright future". They parted on good terms. Other staff were put on lay off at this time. As the appellant said he did not see a "bright future" with the respondent company he submitted a RP50 form but could not say exactly when he lodged it to the respondent. The respondent said he had not received it.

The respondent stated that he had tried to contact the appellant over a period and had spoken to his father and brother leaving messages for the appellant to contact him concerning work. The appellant stated he received no texts from the respondent to

contact him, had never accepted calls from “private numbers” in the past and had never received texts or calls from the respondent or his colleagues to contact him concerning work. The respondent could give no sworn evidence of staff trying to contact the appellant. The appellant never contacted the respondent to ascertain if work was available. The other staff were rehired to carry out contracts that were ascertained by the respondent in early 2009. The respondent stated the appellant could not be contacted. In February 2009 the appellant was contacted by letter to retrieve items belonged to the respondent stating if he did not the Gardaí would be contacted. On receiving this letter the appellant did not contact the respondent. Due to the upturn of business, the appellant was replaced.

Determination:

Having carefully considered the evidence adduced by both parties in this case, the Tribunal finds that a redundancy situation did not occur in this case and accordingly the appeal under the Redundancy Payments Acts, 1967 to 2007 fails

Sealed with the seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)