

EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:

CASE NO.

EMPLOYEE

RP3082/2009

against
EMPLOYER

under

REDUNDANCY PAYMENTS ACTS, 1967 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr. N. Russell
Members: Mr. J. Hennessy
Ms. N. Greene

heard this appeal at Abbeylax on 27th September 2010

Representation:

Appellant:

The appellant in person

Respondent:

The respondent in person

The decision of the Tribunal was as follows:-

Appellant's case

The appellant stated that he worked for the respondent (an employment agency) from 14th May 2007 to 21st May 2009. During this time he was working on the construction of the M.9 motorway with a construction company. On 21st May 2009, the appellant was informed, by his foreman, that the respondent no longer had the contract with the construction company and that he should contact another named agency as there may still be a job for him. The appellant did this and continued to work on the same site under the same foreman on the following day with the other agency. However he was still interested in working for the respondent and phoned the respondent to tell him so. According to the appellant the respondent did not offer him any further employment.

Respondent's case

The respondent stated that his company had a large contract with the construction company to which he had deployed the appellant. However they lost this contract and the respondent he was told by the foreman on site that the appellant and others could stay if they wished. According to the respondent two of his employees choose to leave that site and the others including the appellant chose to remain there. Therefore the respondent contested that he had not made the appellant redundant.

Determination

Having considered the evidence adduced the Tribunal is satisfied that the appellant was not dismissed from his employment with the respondent but that he left of his own volition. Therefore the claim under the Redundancy Payments Acts, 1967 to 2007 fails.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

