

EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:
EMPLOYEE - *appellant*

CASE NO.
MN1902/10

against

EMPLOYER – *respondent*

under

MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS 1973 TO 2005

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms. E. Kearney

Members: Mr. J. Hennessy
Ms. S. Kelly

heard this appeal at Portlaoise on 1st December 2011

Representation:

Appellant: In person

Respondent: Mr. Jim Healy of IBEC, Confederation House,
Waterford Business Park, Cork Road, Waterford

The decision of the Tribunal was as follows:

Appellant's Case

The appellant gave evidence. He felt that he had been laid off by the respondent in a deliberate move to prevent him qualifying for minimum notice. After 10 weeks on lay off the appellant was forced by his circumstances to apply for redundancy. He also applied to the respondent for minimum notice but was not paid it.

Respondent's Case

The respondent gave evidence. The appellant was laid off due to a down turn in business. When he requested a redundancy payment it was processed quickly.

Determination

The Tribunal considered the evidence adduced. Entitlement to minimum notice is a technical matter; an appellant either fulfils the conditions or does not fulfil them. Unfortunately in this case the appellant does not fulfil the conditions. Because he requested a redundancy payment he must forego minimum notice. The appeal under the Minimum Notice and Terms of Employment Acts 1973 to 2005 fails.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)