

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:

CASE NO.

EMPLOYEE

RP1094/2010

against

appellant

EMPLOYER
under

respondent

REDUNDANCY PAYMENTS ACTS, 1967 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr M. O'Connell B.L.

Members: Mr D. Moore
Mr T. Brady

heard this appeal at Dublin on 14th January 2011

Representation:

Appellant(s): The appellant in person

Respondent(s): The respondent in person

The decision of the Tribunal was as follows:-

Determination

The Tribunal heard evidence that the appellant's employment finished on 26 December 2008 because there was a shortfall in work. The appellant accepted the evidence of the respondent that the respondent raised the prospect of a resumption of employment on a regular basis. Specifically the respondent was offering the claimant employment on a new job in Dublin, the start of which was delayed until 29 May 2009. During this time the appellant retained the respondent's mobile telephone and routinely used it. The appellant also agreed that he visited the prospective building site in Dublin in the company of the respondent.

The Tribunal accepts the bone fides of the respondent. Specifically the Tribunal believes it earnestly endeavoured to retain the appellant as an employee once the promise of work came on stream. The appeal under the Redundancy Payments Acts, 1967 to 2007 fails. In any event the Tribunal notes that the appellant's appeal is out of time.

Sealed with the Seal of the
Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)