

EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:
EMPLOYEE
- *appellant*

CASE NO.
RP2894/2009

against

EMPLOYER
- *respondent*

under

REDUNDANCY PAYMENTS ACTS, 1967 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr. D. Mac Carthy S. C.

Members: Mr J. Horan
Mr C. Ryan

heard this appeal at Dublin on 2nd March 2011

Representation:

Appellant: In person

Respondent: In person

The decision of the Tribunal was as follows:-

The appellant commenced employment as a trainee accountant with the respondent on 12th Sept 2005 and qualified in March 2009. At this stage the respondent had been willing to employ him as a qualified accountant. The appellant declined this offer as he wished to travel. The respondent produced an email of the 6th February 2009 into evidence. In this email the respondent sought confirmation from the appellant in respect of when he intended to travel. He appellant by reply confirmed "towards theyear end – Oct 2009". As a result of this the appellant entered into a new contract with the respondent for a further seven months terminating 30th October 2009.

In August the appellant asked to extend his employment to Christmas but the respondent had made other arrangements, having engaged another qualified accountant in anticipation of the appellant's departure. The respondent confirmed thisto the appellant by email of the 2nd September stating that they would have to adhere to the original cessation date of the 31st October 2009.

Determination

The Tribunal carefully considered the matter. It is clear to the Tribunal that the appellant had effectively given notice of resignation in February by email when he stated his intention to travel. The respondents had set in train alternative arrangements, and were not obliged to agree to the extension of the appellants contract. Accordingly, the Tribunal finds that the appellant was not dismissed by reason of redundancy therefore the appeal under the Redundancy Payments Act 1967 to 2007 is dismissed.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

