

## EMPLOYMENT APPEALS TRIBUNAL

APPEALS OF:

CASE NO.

EMPLOYEE – **appellant**

RP1935/2010  
MN1372/2010

against

EMPLOYER –**respondent**

under

### REDUNDANCY PAYMENTS ACTS, 1967 TO 2007 MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2005

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Mr. E. Murray

Members: Ms. M. Sweeney  
Ms. H. Kelleher

heard this claim at Dublin on 28 March 2011

#### **Representation:**

Appellant: In person

Respondent: XXXXXX Chief Flight Instructor

The determination of the Tribunal was as follows:

#### **Determination**

The appellant was one of twenty flight instructors employed by the respondent in April 2010 when the respondent decided that from 31 May 2010 the employment arrangements for all flight instructors would be changed such that their pay would be administered by a third party. In effect becoming self-employed. The appellant was unhappy with this proposed arrangement and indicated his dissatisfaction with the proposal. On 17 May 2010 the chief flying instructor issued the appellant with a letter, which states “Due to restructuring of the company this month, the respondent will be terminating your employment as of 30<sup>th</sup> May 2010”. In the event the employment was terminated on 31 May 2010.

The Tribunal is satisfied that the appellant was dismissed by reason of redundancy and accordingly,

is entitled to a lump sum payment under the Redundancy Payments Acts, 1967 to 2007 based on the following criteria.

The Tribunal finds that the appellant is entitled to a lump sum payment under the Redundancy Payments Acts, 1967 to 2007 based on the following criteria.

Date of Birth	15 March 1983
Employment commenced	28 January 2008
Employment ended	31 May 2010
Gross weekly pay	€426-50

This award is made subject to the appellant having been in insurable employment under the Social Welfare Acts during the relevant period. The evidence having shown that the appellant received the requisite period of notice the claim 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)