

**EMPLOYMENT APPEALS TRIBUNAL**

**APPEAL(S) OF:**  
EMPLOYEE

**CASE NO.**  
RP2852/2010  
*- appellant*

MN2047/2010

against  
EMPLOYER

*- respondent*

EMPLOYER

*- respondent*

under

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

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Mr. P. O'Leary B L

Members: Mr P. Pierson  
Mr O. Nulty

heard this appeal at Cavan on 27th May 2011

**Representation:**

Appellant(s) : Ms Annemarie McEnerney, Cavan Citizens Information Service, Townhall Street,  
Cavan

Respondent(s) : Mr Michael J. Ryan, Michael J. Ryan, Solicitors, Athbara House, Cavan

The decision of the Tribunal was as follows:-

At the outset the claim under the Minimum Notice and Terms of Employment Acts, 1973 to 2005 was withdrawn.

**Background:**

The appellant was employed by the respondent company as a general labourer from April 16<sup>th</sup> 1973. On October 24<sup>th</sup> 2003 he was involved in a serious accident in the workplace. He had not been able to return to work since that date and was in receipt of payments from the Department of Social Protection. A personal injuries claim was taken against the respondent company which was settled on May 23<sup>rd</sup> 2011. The appellant is also in receipt of an Invalidity Pension.

**Determination:**

Having carefully considered the evidence and submissions adduced in this case. The appellant was also incapable of working since his serious workplace accident in 2003.

The Tribunal find the appellant's contract ended on February 21<sup>st</sup> 2005 when the personal injuries proceedings were lodged in the High Court. The appeal under the Redundancy Payments Acts, 1967 to 2007 fails.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

(Sgd.) \_\_\_\_\_  
(CHAIRMAN)