

## EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:  
EMPLOYEE

- **Appellant**

CASE NO.

RP1182/2010  
MN835/2010

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 G. Hanlon

Members: Mr R. Murphy  
Mr M. O'Reilly

heard this appeal at Dublin on 16th March 2011

Representation:

\_\_\_\_\_

Appellant: In person

Respondent :

Mr David Mooney, 3 Barrack Road, Glencullen, Co Dublin

### **Determination**

The respondent's position was that he informed the appellant by letter on 14<sup>th</sup> December 2009 that he was on a months protective notice and his employment would be terminated because of lack of work.

He was aware that the appellant's apprenticeship was due to finish on 31<sup>st</sup> Jan 2010. However while an extra months work was given this was in addition to the month's protective notice.

The appellant claims that his employment, which commenced on 2<sup>nd</sup> November 2005, ended by reason of redundancy on 26<sup>th</sup> February 2010. His gross weekly pay was €428.40.

His apprenticeship did not begin until 31<sup>st</sup> January 2006 following a one month assessment and his delay in registering with F.A.S.

There is no dispute by either parties of the dates given.

The decision of the Tribunal was as follows:-

Having carefully considered the evidence adduced by both parties in this case the Tribunal finds that the appellant does not qualify for a redundancy payment by virtue of Section 7 (4) of the Redundancy Payments Acts, 1967 to 2007 which provides

*Notwithstanding any other provision of this Act, where an employee who has been serving a period of apprenticeship training with an employer under an apprenticeship agreement is dismissed within one month after the end of that period, that employee shall not, by reason of that dismissal, be entitled to redundancy payment.*

Accordingly the appeal under the Redundancy Payments Acts 1967 to 2007 fails.

The Tribunal is satisfied from the evidence that the appellant was given appropriate notice under the Minimum Notice and Terms of Employment Acts, 1973 to 2005. Therefore this claim also fails.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

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

