

EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:
EMPLOYEE

-appellant

CASE NO.
RP241/2010

Against

EMPLOYER

-respondent

under

REDUNDANCY PAYMENTS ACTS, 1967 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr. K. Buckley

Members: Ms M. Sweeney
Mr. J. Flavin

heard this appeal at Cork on 13th May 2011

Representation:

Appellant: Ms Olga Shevchenko, Migrant Rights Centre Ireland, 55 Parnell Square West,
Dublin 1

Respondent: Mr. Eamonn Moloney, Eamonn Moloney & Co., Solicitors, 1-2 Anglesea Street,
Cork

Preliminary Application

The respondent made an application that the appellant did not have sufficient service to make a claim under the Redundancy Payments Acts, 1967 to 2007 and therefore the Tribunal had no jurisdiction to hear the appeal.

Summary of Evidence

The appellant commenced employment on the 2nd of June 2007. The appellant left employment approximately one year later but returned to work within a few days. The respondent verbally terminated the appellant's employment on the 3rd of October 2009. The appellant was awarded twoweeks annual leave entitlement at a Rights Commissioner hearing.

The respondent employed the appellant on the 1st of August 2007. The appellant left employment but returned after a few weeks. The respondent submitted the revenue documents to prove the appellants start date and cessation date as per the P45 of the 3rd of September 2009. The respondent provided records from the revenue commissioners indicating that the appellant had 102 weeks service with the respondent.

Determination

Based on all the evidence and the documentation provided, the Tribunal find that the appellant does not have the required 104 weeks service to take an appeal under the Redundancy Payments Acts, 1967 to 2007. Accordingly the Tribunal decline jurisdiction to hear this appeal.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)