

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:
EMPLOYEE

CASE NO.
RP2953/2010

- appellant

against
EMPLOYER

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. S. O'Donnell

heard this appeal at Dublin on 11th August 2011

Representation:

Appellant(s) : Mr Brian Gormley, Unite The Union, 15 Merrion Square, Dublin 2

Respondent(s) : Arthur Cox, Solicitors, Earlsfort Centre, Earlsfort Terrace, Dublin 2

The decision of the Tribunal was as follows:-

Background:

The appellant was employed by the respondent company as a member of cabin crew based in Manchester. Redundancies in Manchester were implemented during the period November 5th 2008 to February 2009 following a 90-day consultation process with the relevant union. The appellant's role in Manchester no longer existed from April 10th 2009 and the following day she took up a position on a trial basis in Dublin on April 11th 2009.

The appellant sustained an injury and commenced long-term sick leave. On September 24th her Manager wrote to her concerning her illness and to confirm she had up to October 10th 2009 to decide if she wished to remain in Dublin or avail of voluntary redundancy. A figure for the redundancy amount was also stated. On September 29th 2009 the appellant emailed her Manager and confirmed she was availing of the offer of redundancy. The respondent confirmed her redundancy was effective from October 10th 2009.

Determination:

The Tribunal has carefully considered the oral and written submissions made by both parties in this case. It is clear from the evidence that the appellant voluntarily left her employment having availed of voluntary redundancy, as part of the Manchester redundancy agreement. At that time there were no redundancies in Dublin.

The appeal fails.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)