

EMPLOYMENT APPEALS TRIBUNAL

CLAIM OF:
EMPLOYEE

CASE NO:
UD2213/2009

- claimant

against

EMPLOYER

- respondent

under

UNFAIR DISMISSALS ACTS, 1977 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr. D. Herlihy

Members: Mr. T. L. Gill
Mr. F. Dorgan

heard this appeal in Limerick on 20 September 2011

Representation:

Claimant: In Person

Respondent: Mr. Chris O'Donovan, IBEC, Regional Director, Gardner House,
Charlotte Quay, Limerick

The decision of the Tribunal was as follows:

Background:

The respondent's representative brought up a preliminary issue regarding the claimant's claim under the Unfair Dismissals Acts, 1977 to 2007.

Business had declined in the respondent company and after much discussions and management it came to light that redundancies would have to take place. The claimant was given an RP50 form on March 11th 2009 to claim for his redundancy payment and a redundancy acceptance confirmation form which, if accepted, it would waive any right to take any further claims as it was a full and final settlement. The final payment consisted of his statutory redundancy payment and an ex-gratia payment totalling € 71,329.00.

The claimant was absent on sick leave from March 12th to March 24th 2009. The

claimant lodged an RP6 form in order to finish his employment early. On March 27th 2009 the claimant signed the acceptance form, accepted and cashed a cheque from the respondent for the amount of € 71,329.00.

Determination:

Having heard the submissions made by both parties and considering the matter the Tribunal finds that the claimant had the opportunity to obtain advice on this matter and the paperwork involved for over two weeks before signed and accepting the redundancy package.

This being the case the Tribunal dismisses the claim under the Unfair Dismissals Acts, 1977 to 2007.

Sealed with the seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)