

**EMPLOYMENT APPEALS TRIBUNAL**

APPEAL OF:  
EMPLOYEE-*Claimant*

CASE NO.  
RP1358/2010

against

EMPLOYER-*Respondent*

under

**REDUNDANCY PAYMENTS ACTS, 1967 TO 2007**

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Mr J. O'Connor  
Members: Mr G. Andrews  
              Mr O. Wills

heard this appeal at Tralee on 10th November 2011

**Representation:**

Appellant : Mr Liam Ryan, Sheehan Ryan & Company, Solicitors,  
              61/62 New Street, Killarney, Co Kerry

Respondent : James M O'Sullivan, Solicitor, Bridgeview Terrace,  
              South Square, Sneem, Co Kerry

The decision of the Tribunal was as follows:

There was contrasting interpretations and conflicting evidence concerning a signed agreement involving a Rights' Commissioner. The Tribunal notes, however, that a RP9 form was submitted to and received by the respondent in this case. The owner of the respondent said he took no notice of it and therefore never gave counter notice to the appellant. The respondent was aware of the appellant's application for redundancy by the time a general agreement was signed off on. No explicit mention was made of redundancy in that agreement.

The Tribunal also heard conflicting evidence on the issuing of a P45 to the appellant in late 2009.

Having heard and considered this adduced evidence and documentation the Tribunal finds that the appellant's employment was terminated by the respondent by way of redundancy. Accordingly, the appeal under the Redundancy Payments Acts, 1967 to 2007 is allowed and the appellant is awarded a statutory lump sum under those Acts, and based on the following:

Date of Birth:               24 June 1965  
Date of Commencement : 15 June 2006  
Date of Termination:     26 January 2010  
Non-Reckonable Service: 22 October 2009 to 26 January 2010  
Gross Weekly Wage:     €450.00

This award is made subject to the appellant having been in insurable employment under the Social Welfare Acts during the relevant period.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

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

