

EMPLOYMENT APPEALS TRIBUNAL

APPEALS OF:

CASE NO.

EMPLOYEE-Claimant

RP2675/2010

against
EMPLOYER-Respondent
under

REDUNDANCY PAYMENTS ACTS, 1967 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms D. Donovan

Members: Mr J. Browne

Mr F. Dorgan

heard this appeal at Waterford on 11th November 2011

Representation:

Appellant: The appellant in person

Respondent: Ms. Mairead Crosby, IBEC, Confederation House, 84/86 Lower Baggot St, Dublin 2

Dismissal was in dispute and therefore the appellant went into evidence first.

Appellant's case

The appellant was the subject of disciplinary procedures and rather than go through these procedures he asked his union representative to approach the respondent with a view to securing a redundancy package for him. However the respondent told the appellant that he would be replaced if he left.

The appellant resigned his position on foot of a package, which the union representative had negotiated with the respondent. This package was made up of holiday pay, payment of notice and an ex-gratia payment of €500.00. However, the appellant never received the ex-gratia payment.

Respondent's case

The respondent confirmed that the appellant had resigned from his employment and that it had been agreed to pay him €500.00 as a once off exit payment. However, despite repeated requests to do so, the appellant refused to sign a document in relation to this payment and eventually the respondent paid the appellant only what he was due in respect of holiday pay and wages in lieu of notice.

Determination

Having considered the evidence adduced at the hearing, the Tribunal finds that there is a conflict of evidence between the appellant and the respondent as to whether the appellant's employment with the respondent was terminated due to a dismissal or a resignation. The Tribunal is satisfied that even if the appellant's employment with the respondent was terminated by dismissal, any said dismissal was not by reason of redundancy. Accordingly, the claim under the Redundancy Payments Acts, 1967 to 2007 fails.

Sealed with the Seal of the
Employment Appeals Tribunal

This _____
(Sgd.) _____
(CHAIRMAN)

