

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:
EMPLOYEE - *Appellant*

CASE NO.
RP827/2011

against

EMPLOYER - *Respondent*

under

REDUNDANCY PAYMENTS ACTS, 1967 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms P. Clancy

Members: Mr T. Gill
Ms H. Murphy

heard this appeal at Galway on 7th November 2011

Representation:

Appellant(s) : Mr. John Nash, Solicitor, Abbey Street, Loughrea, Co Galway

Respondent(s) : Purdy Fitzgerald Solicitors, Kiltartan House, Forster Street, Galway

Appellants Case

The appellant gave evidence of commencing employment in January 2006. He worked as a site foreman for the respondent company until his employment ended in September 2010. He told the Tribunal that a few days after the summer holidays in August 2010 he was told by JM of the respondent company that his job was being made redundant from the 1st October 2010. He continued to work for the company until the 16th September at which time he was also caring for his father who passed away around that time. He told the Tribunal that he has a young family to provide for and would not walk away from his employment where he was paid €870 per week.

Respondents Case

On behalf of the respondent company the Tribunal were told that the appellant left the company of his own accord and that he was not made redundant.

Determination

The Tribunal heard evidence from the appellant that he was informed by a representative of the respondent company that his position was being made redundant from the 1st October 2010. The appellant admitted that he did not return to work after the 23rd September 2010 due to his father's grave illness. Having considered the appellants oral evidence the Tribunal found that a

genuine redundancy situation existed.

The Tribunal awards the appellant a lump sum payment under the Redundancy Payments Acts 1967 to 2007 based on the following information:

Date of Birth :	26 April 1972
Date of Commencement:	3 January 2006
Date of Termination:	22 September 2010
Gross Weekly Pay:	€870

Please note that a weekly ceiling of €600 applies to all awards made from the Social Insurance fund. 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)

