

EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:

CASE NO.

EMPLOYEE

RP2917/2010

against
EMPLOYER
under

REDUNDANCY PAYMENTS ACTS, 1967 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Dr. A. Courell B.L.
Members: Mr. D. Morrison
Ms. A. Moore

heard this appeal at Donegal on 13th January 2012

Representation:

Appellant: The appellant in person

Respondent: Mr. Tiernan Doherty,
IBEC, 3rd Floor, Pier 1, Quay Street, Donegal Town, Co. Donegal

Respondent's case

The respondent dismissed the appellant because he had caused damage to goods in the warehouse on 10th August 2010, whilst driving a forklift. The appellant had been issued with 3 written warnings, in relation to other incidents, prior to his dismissal. These previous warnings were issued on 27th July 2009, 26th February 2010 and 23rd June 2010.

Subsequent to the damage being caused on 10th August 2010, the Logistics Manager called the appellant to his office and informed him that he was dismissed with immediate effect. However the dismissal was not notified in writing to the appellant.

The respondent denied that the appellant was made redundant.

Appellant's case

The appellant confirmed that he had received 3 written warnings as outlined by the respondent. He was brought to the office on 10th August 2010 and informed by the Logistics Manager that there was no longer a job for him because of the damage he had caused. Redundancy was never discussed but the appellant felt that he was entitled to a redundancy lump sum because he had worked for the respondent for 5 years.

Determination

The evidence adduced by the appellant failed to convince the Tribunal that he was dismissed by way of redundancy. The Tribunal is satisfied that a redundancy situation did not exist in relation to the dismissal of the appellant. Therefore the appeal under the Redundancy Payments Acts, 1967 to 2007 fails.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

