

## EMPLOYMENT APPEALS TRIBUNAL

**APPEAL OF:**

**CASE NO.**

EMPLOYEE

RP1883/10

- appellant

**Against**

EMPLOYER

– respondent

**under**

### REDUNDANCY PAYMENTS ACTS, 1967 TO 2007

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Mr. D. Mac Carthy S C

Members: Mr R. Murphy

Mr. J. Dorney

heard this appeal at Naas on 1st June 2011 and 15<sup>th</sup> February 2012.

#### **Representation:**

Appellant: No appearance by or on behalf of appellant on 1<sup>st</sup> June 2011 or on 15<sup>th</sup> February 2012

Respondent: Mr Fergus Fitzpatrick, Fergus Fitzpatrick & Company, 14 Fitzwilliam Place, Dublin 2 on 1<sup>st</sup> June 2011 and the respondent appeared in person on 15<sup>th</sup> February 2012

#### **Determination**

At the first hearing of the appeal the respondent together with his representative were present and the appellant failed to appear.

Subsequently the appellant asked for his case to be relisted but again failed to appear, although at this time the respondent was present.

Before the second hearing, the appellant, by email, requested his case not proceed, after the notice of hearing had issued, and in effect sought an adjournment at short notice. The respondent objected to the adjournment on the basis that the company was represented twice at considerable expense.

The Tribunal refused the request for an adjournment and heard evidence from the respondent that

the appellant left his employment in September 2005 and subsequently was re-employed.

The Tribunal finds that there was a break in the appellant's service and the redundancy payment received by the appellant was correctly calculated.

The appeal under the Redundancy Payments Acts 1967 to 2007 fails.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

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