

EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:
EMPLOYEE – *appellant*

CASE NO.
RP1031/2011

against

EMPLOYER – *respondent*

under

REDUNDANCY PAYMENTS ACTS, 1967 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms N. O’Carroll - Kelly B.L.
Members: Mr R. Prole
Mr J. Dorney

heard this appeal at Carlow on 11th May 2012

Representation:

Appellant: In person

Respondent: In person

The determination of the Tribunal is as follows:

Respondent’s Case

The respondent gave evidence. The appellant had worked for him until he went on sick leave in August 2010. The appellant handed in only one medical certificate. He did see the appellant on a number of occasions but he did not seem well. The respondent closed the business in February 2011.

Appellant’s Case

The appellant gave evidence. He had worked for the respondent until he had a nervous breakdown. He gave the respondent one medical cert and assumed he did not need to send in more. He hoped that when he was better he would return to work.

Determination

The Tribunal carefully considered the evidence adduced. The Tribunal finds that the termination of the appellant's employment was not as a result of a redundancy situation arising. The appellant was unfit to work and remains unfit. The appeal under the Redundancy Payments Acts, 1967 to 2007 fails.

Sealed with the Seal of the
Employment Appeals Tribunal

This _____

(Sgd.) _____

(CHAIRMAN)