

**EMPLOYMENT APPEALS TRIBUNAL**

**APPEAL(S) OF:**  
EMPLOYEE

*- appellant*

**CASE NO.**  
RP424/2011  
MN350/2011

Against  
EMPLOYER

*- respondent*

under

**MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2005  
REDUNDANCY PAYMENTS ACTS, 1967 TO 2007**

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Mr J. Fahy BL

Members: Mr T. Gill  
Mr T. Gill

heard this appeal at Galway on 20th April 2012

**Representation:**

Appellant(s) : In Person

Respondent(s) : Not Present or Represented

The decision of the Tribunal was as follows:-

At the outset the appellant withdrew his claim under the Redundancy Payments Acts, 1967 to 2007.

**Determination:**

The appellant informed that he had lodged an RP9 form to his previous employer.

The RP9 form states in Part B:

**“Notice of Intention to claim Redundancy Lump Sum Payment in a LAY OFF / SHORT  
TIME situation**

*An employee who wishes to claim a redundancy lump sum because of lay off / short time must serve notice of intention to claim in writing within four weeks after the lay-off / short time ceases. In order to become entitled to claim a redundancy lump sum on foot of a period of lay*

*off, short time or a mixture of both, that period must be at least four consecutive weeks or a broken series of six weeks where all six fall within a thirteen-week period. An employee who wishes to terminate his / her contract of employment by reason of lay off or short time must give his / her employer the notice required by his / her contract or if none is required, at least one week's notice."*

**An employee whom claims and receives a redundancy payment in respect of lay off or short time is deemed to have voluntarily left his/her employment and therefore not entitled to notice under the Minimum Notice and Terms of Employment Acts, 1973 to 2005."**

As this is the case the claim under the Minimum Notice and Terms of Employment Acts, 1973 to 2005 is dismissed.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

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