

Correcting Order

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:
EMPLOYEE
- *appellant*

CASE NO.

RP1418/2011

against
EMPLOYER
- *respondent*

under

REDUNDANCY PAYMENTS ACTS, 1967 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms C. Egan B.L.
Members: Mr. W. O'Carroll
Mr T. Gill

heard this appeal at Roscommon on 24th February 2012

Representation:

Appellant(s) : Claffey Gannon & Co, Solicitors, Castlerea, Co Roscommon

Respondent(s) : Not legally represented

This order corrects the original order dated 2nd March 2012 and should be read in conjunction with that order.

The correct title of the respondent company is XX and not YY as stated in the original order.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

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Determination

The Tribunal heard evidence from both parties that the appellant was put on lay-off from his work in January 2011 following a downturn in the respondent's business. The appellant gave evidence that, on 24 February 2011 he was offered part-time work on a 12 hour per week basis following this lay off. He declined this offer as he sought to be re-employed on a full time basis. Witness for the respondent disputed this evidence and stated that the appellant was offered work on a 20 hour per week basis. This witness confirmed that he was not in a position to offer the appellant a full-time position in February 2011 and he could not confirm that he is in a position to currently offer him a full-time position.

As the respondent has not been in a position to offer the appellant a return to work on a full-time basis which he (the appellant) had occupied up to December 2010 the Tribunal

determines that this was a genuine redundancy situation and the claim under the Redundancy Payments Acts 1967 to 2007 succeeds. Accordingly the Tribunal awards the appellant a lump sum payment under the Redundancy Payments Acts based on the following information:

Date of Birth	11 December 1968
Date of commencement of employment	14 June 2005
Date of termination of employment	24 December 2010
Gross weekly pay	€423.88

This award is made subject to the appellant having been in insurable employment under the Social Welfare Acts during the relevant period.

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(Sgd.) _____
(CHAIRMAN)

