

## EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:  
EMPLOYEE  
*appellant 1*

CASE NO.  
MN2414/2011  
RP2954/2011

EMPLOYEE  
*appellant 2*

MN2415/2011  
RP2955/2011

Against

EMPLOYER

under

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

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Mr P. O'Leary B L

Members: Mr T. O'Sullivan  
Ms A. Moore

heard this appeal at Monaghan on 9th May 2012

Representation:  
\_\_\_\_\_

Appellants: Richard Grogan & Associates, Solicitors, 16 & 17 College Green, Dublin 2

Respondent: O'Reilly Dolan Solicitors, 27 Bridge Street, Cootehill, Co Cavan

### **Determination**

The Tribunal heard evidence from *appellant 2* concerning the circumstances surrounding the termination of his employment. This evidence was not contested by the respondent's representative. The Tribunal is satisfied on the basis of the appellant's evidence that he was dismissed by reason of redundancy and accordingly awards the appellant a lump sum payment under the Redundancy Payments Acts 1967 to 2007 based on the following information:

|                                     |                                 |
|-------------------------------------|---------------------------------|
| Date of Birth:                      | 14 <sup>th</sup> January 1963   |
| Date of commencement of employment: | 10 <sup>th</sup> October 2008   |
| Date of termination of employment:  | 09 <sup>th</sup> September 2011 |
| Gross weekly pay:                   | €448.50                         |

The Tribunal is satisfied that *appellant 2* received his Minimum Notice and therefore the appeal under the Minimum Notice and Terms of Employment Acts 1973 to 2005 fails.

The Tribunal heard evidence from *appellant 1* concerning the circumstances surrounding the termination of his employment. This evidence was contested by the respondent's representative. The Tribunal is not satisfied that *appellant 1* was dismissed by reason of redundancy and prefers the evidence of the respondent that the appellant had already sought and obtained work prior to his date of leaving. Accordingly the claim under the Redundancy Payments Acts 1967 to 2007 and Minimum Notice and Terms of Employment Acts, 1973 to 2005 fails.

Sealed with the Seal of the  
Employment Appeals Tribunal

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