

## EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:  
EMPLOYEE -*Appellant*

CASE NO.  
RP3200/2010  
MN2314/2010  
WT1046/2010

against  
EMPLOYER -*Respondent*

under

### **REDUNDANCY PAYMENTS ACTS, 1967 TO 2007 MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2005 ORGANISATION OF WORKING TIME ACT, 1997**

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Mr D. MacCarthy S C

Members: Mr J. Hennessy  
Mr F. Dorgan

heard this appeal at Wexford on 24th April 2012

#### **Representation:**

Appellant:

Respondent: Brother of the respondent

#### **The decision of the Tribunal was as follows:**

The appellant refused to accept a reduction in working hours and resigned. This is deemed to be a dismissal under Section 9(1)(c) of the Act of 1967.

The appellant is entitled to a redundancy payment based on:

Date of Birth:	4 October 1957
Service from:	19 November 2006 to 25 October 2010
Non-reckonable service:	nil
Normal weekly remuneration:	€400.00
Amount of redundancy payment:	€3,552.00

This award is subject to the appellant having been in employment which is insurable for all purposes under the Social Welfare Consolidation Act 2005.

The claim under the Minimum Notice and Terms of Employment Acts, 1973 to 2005, fails as the employment was terminated by the employee.

The claim for arrears of holiday pay under the Organisation of Working Time Act, fails.

Sealed with the Seal of the  
Employment Appeals Tribunal

This \_\_\_\_\_

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