

## EMPLOYMENT APPEALS TRIBUNAL

**APPEAL OF:**  
EMPLOYEE  
- *Appellant*

**CASE NO.**  
RP3115/2010  
MN2259/2010

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 R. Maguire, B.L.

Members: Mr G. Mc Auliffe  
Mr S. Mackell

heard this appeal at Naas on 4th July 2012

#### **Representation:**

Appellant: In Person

Respondent: In Person

The decision of the Tribunal was as follows:-

#### **Determination**

The Tribunal heard conflicting evidence from both parties. The parties could not agree on the appellant's date of termination as he had been on a period of lay off since March 2010. There was also dispute between the parties in respect of correspondence stating that the claimant was working a 3 day week.

Having considered all of the evidence the Tribunal decides that the claimant considered himself dismissed from his employment with the respondent company on 8<sup>th</sup> July 2010, when he served the respondent with an RP77 form requesting a lump sum payment.

Accordingly, the appellant does not have the requisite 104 weeks service in accordance with the Redundancy Payments Acts, 1967 to 2007 and the Tribunal must dismiss the claim under this Act.

The appellant is entitled to €400.00, one weeks wages, in respect of his entitlement under the Minimum Notice and Terms of Employment Acts, 1973 to 2005.

Sealed with the Seal of the  
Employment Appeals Tribunal

This \_\_\_\_\_

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