

## EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:  
EMPLOYEE – *appellant*

CASE NO.  
UD159/2011

against the recommendation of the Rights Commissioner in the case of:

EMPLOYER - *respondent*

under

### UNFAIR DISMISSALS ACTS, 1977 TO 2007

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Ms J. McGovern B.L.

Members: Mr J. Horan  
Mr N. Dowling

heard this appeal at Dublin on 21st May 2012

Representation:

\_\_\_\_\_

Appellant(s) : Richard Grogan & Associates, Solicitors, 16 & 17 College  
Green, Dublin 2

Respondent(s) : No appearance by or on behalf of respondent

This case came before the Tribunal by way of an appeal by the employee against the recommendation of the Rights Commissioner (r-074081-ud-09 JOC)

### Summary of Case

The appellant gave evidence that he commenced working for the respondent concrete products manufacturing company on 16 April 2007. He earned an average of €563.00 per week. He was let go from his employment on 5 December 2008. During his tenure of employment he gave evidence that he worked on site C from 17 December 2007 for 8/9 months. When questioned by the Tribunal he said he had difficulty recalling the exact period of time working on site C and it may have been for a one year period. He was then transferred to site (K road) until the termination of his employment in December 2008. He gave evidence that when he was let go, as far as he was aware, he was replaced in his position by a colleague who only had 3.5 weeks service on the (K road) site. He gave further evidence that this colleague had longer service with the respondent company than him.

**Determination**

The Tribunal is not satisfied on the basis of evidence adduced that the appellant was unfairly selected for redundancy. Accordingly the appeal under the Unfair Dismissals Acts 1977 to 2007 fails and the Tribunal upholds the recommendation of the Rights Commissioner.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

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

