

EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:  
EMPLOYEE - *appellant*

CASE NO.  
RP785/2011

against  
EMPLOYER - *respondent*

under

REDUNDANCY PAYMENTS ACTS, 1967 TO 2007

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Dr. A. Courell B.L.  
Members: Mr. D. Morrison  
Mr M. McGarry

heard this appeal at Castlebar on 11th June 2012

Representation:

Appellant(s) : in person

Respondent(s) : Mr. Ronnie Lawless, IBEC, West Regional Office, Ross House,  
Victoria Place, Galway

**Determination**

The appellant gave evidence of working for the respondent at various locations as a machine driver. On the 4 March 2010 the appellant was informed by the foreman that the job was ending and advised to contact DL. He telephoned DL on the 5 March 2010 who informed him he was being layed off and that the accountant would organise his P45. The following week the appellant called to the offices of the respondent to collect his P45 and signed a document confirming receipt of same and also stating he resigned his position with the company. The appellant told the Tribunal he had not read in full the document he signed and stated he did not resign from the company.

DL the Managing Director told the Tribunal that at the site in Oranmore a number of employees were being transferred to other sites including the appellant. He stated that the appellant resigned his position and sought his P45. He spoke to the employees at the site on the day. He then contacted NH the accountant to make arrangements for the appellant to get his P45.

NH gave evidence of meeting the appellant at the company offices on the 12 March 2010 and providing him with his P45. With regard to the letter the appellant signed on the day he read the content to the appellant and asked him to read it before signing.

The Tribunal having considered the evidence adduced at the hearing note there is a clear conflict of evidence in the case. The document dated and signed by the appellant on the 12

March 2010 which refers to the appellant resigning his position with the respondent company is the preferred evidence.

The Tribunal find that a genuine redundancy situation did not exist and therefore dismiss the claim under the Redundancy Payments Acts, 1967 to 2007.

Sealed with the Seal of the  
Employment Appeals Tribunal

This \_\_\_\_\_

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