

EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:
EMPLOYEE
RP691/2011

CASE NO.

Against

EMPLOYER

under

REDUNDANCY PAYMENTS ACTS, 1967 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms N. O'Carroll-Kelly BL

Members: Mr B. Kealy
Mr P. Trehy

heard this appeal at Dublin on 4th July 2012

Representation:

Appellant: In person

Respondent: In person

The decision of the Tribunal was as follows:-

Determination

PF the managing director of the respondent gave evidence that the company has ceased trading. The business acted as sub-contractor to another company which went into receivership. They tried to continue operating in order to get back monies owed but the receiver appointed a new firm to continue with the existing contract. The claimant approached PF and told him that the new firm had offered him a job. He didn't tell him what to do because he couldn't. He had no idea how long his business could keep operating. PF stated that the claimant left of his own free will and took up a driving position with the company who won the new contract.

The claimant TG stated that he was told there was no more work for him. He did take up a position with the company who won the contract and did two weeks training before the date of termination as stated on the T1A.

The Tribunal having considered the evidence adduced at the hearing notes there is a conflict of evidence in the case. The Tribunal finds that a genuine redundancy situation did not exist and therefore dismisses the claim under the Redundancy Payments Acts, 1967 to 2007.

Sealed with the Seal of the
Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

