

## EMPLOYMENT APPEALS TRIBUNAL

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

**CASE NO.**  
RP1424/2011

Against

EMPLOYER  
- *Respondent*

under

### REDUNDANCY PAYMENTS ACTS, 1967 TO 2007

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Mr T. Taaffe

Members: Mr M. Noone  
Mr. J. Dorney

heard this appeal at Dublin on 21st August 2012

#### **Representation:**

Appellant: In Person

Respondent: In Person

The decision of the Tribunal was as follows:-

The Tribunal heard evidence from the appellant in the above case who confirmed that he was employed by the respondent as an apprentice on 13<sup>th</sup> September 2006. The appellant completed the first 3 phases of his apprenticeship and proceeded to phase 4 in 2009. The appellant failed the examinations attached to this phase of his apprenticeship.

The appellant gave a commitment to FAS that he would attend a refresher course but failed to attend the course due to commencing employment with a new employer. As a result of failing phase 4 of his apprenticeship the appellant's apprenticeship was terminated. The appellant could not provide the Tribunal with documentary evidence to show that he exercised his right to appeal this decision.

#### **Determination**

The appellant accepted that his apprenticeship with the respondent was brought to a conclusion prior to his successful completion of same. The Tribunal is satisfied, based on the appellant's

evidence, that the appellant's apprenticeship was brought to a conclusion, terminated, prior to its completion. Accordingly, the appellant does not have a valid claim for redundancy and the Tribunal must dismiss the claim under the Redundancy Payments Acts, 1967 to 2007.

Sealed with the Seal of the  
Employment Appeals Tribunal

This \_\_\_\_\_

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