

## EMPLOYMENT APPEALS TRIBUNAL

Appeal of:  
EMPLOYEE -*Appellant*

Case No.  
RP848/2011  
MN653/2011

against

EMPLOYER -*Respondent*

under

### REDUNDANCY PAYMENTS ACTS, 1967 TO 2007 MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2005

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Ms D. Donovan B.L.

Members: Mr J. Horan  
Mr N. Dowling

heard this appeal at Wexford on 6th July 2012

#### **Representation:**

Appellant: In Person

Respondent: Niamh Moriarty & Co, Solicitors, Parnell Road, Enniscorthy, Co Wexford

Finbarr Gahan & Co, 2 Peter Street,  
Wexford Town, Wexford

#### **The decision of the Tribunal was as follows:**

The respondent conceded that the appellant was made redundant as and from 3<sup>rd</sup> January 2011. However, it was the respondent's case that the appellant was offered an alternative role which she performed for three weeks. The appellant disputed that she had carried out the alternative role.

#### **Determination:**

Having considered the evidence the Tribunal finds that the claim succeeds, as S.15 (2) (a) of the Redundancy Payments Acts, 1967 to 2007, states that,

*"Where an employee who has been offered suitable employment and has carried out, for a period of not more than four weeks, the duties of that employment, refuses the offer, the temporary acceptance of that employment shall not solely constitute an unreasonable refusal"*

*for the purposes of this section.”*

The Tribunal finds that the appellant’s lump sum payment under the Redundancy Payments Acts, 1967 to 2007, should be based on the following criteria:

|                       |                              |
|-----------------------|------------------------------|
| Date of Birth:        | 15 <sup>th</sup> August 1975 |
| Date of Commencement: | 16 <sup>th</sup> July 2008   |
| Date of Termination:  | 3 <sup>rd</sup> January 2011 |
| Gross Weekly Pay:     | €173.00                      |

This award is made subject to the appellant having been in insurable employment under the Social Welfare Acts during the relevant period.

The claim under the Minimum Notice and Terms of Employment Acts, 1973 to 2005, was withdrawn by the appellant during the hearing.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

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