

## EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:  
EMPLOYEE            -*Appellant*

CASE NO.

RP1481/2011

against  
EMPLOYER -*Respondent*

under

### REDUNDANCY PAYMENTS ACTS, 1967 TO 2007

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Mr N. Russell

Members: Mr J. Browne  
              Mr F. Dorgan

heard this appeal at Wexford on 6th September 2012

#### **Representation:**

Appellant: In Person

Respondent:

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

The respondent is a fresh produce company. It was common case between the parties that the appellant worked at the respondent's place of business in Wexford from the time his employment commenced in July 2008. However, due to extreme weather conditions in the latter part of 2010 and early 2011 the respondent's business suffered greatly. The appellant was placed on lay off on 6 April 2011. By then the respondent's business had declined to such an extent that it ceased to conduct business in Wexford.

However, the respondent continued with its business in Dublin. The dispute between the parties centred on there being a position available to the appellant in Dublin. It was the respondent's case that instead of accepting the position, the appellant requested a P45; hence terminating his employment. It was the appellant's case that the offer of work in Dublin was unsuitable and for that reason he sought a redundancy payment.

#### **Determination:**

The appellant's workplace was located in Wexford. His employer ceased trading at that location and the appellant's position there accordingly became redundant.

The appellant's employers offered him the option of relocating to their new operation in Dublin. The offer was clearly well intentioned; however, it was reasonable for the appellant to refuse the offer of relocation to Dublin. The Tribunal finds that the appellant is entitled to a redundancy payment based on the following criteria,

Date of Birth:	20 January 1983
Date of Commencement:	1 July 2008
Period of non-reckonable service:	6 April 2011 to 19 April 2011
Date of Termination:	19 April 2011
Gross Weekly Pay:	€429.00

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

Sealed with the Seal of the  
Employment Appeals Tribunal

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