

EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:
EMPLOYEE

CASE NO.

against
EMPLOYER

under

REDUNDANCY PAYMENTS ACTS, 1967 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms D. Donovan B.L.

Members: Mr J. Browne
Mr J. Jordan

heard this appeal at Wexford on 31st August 2012

Representation:

Appellant: John A.Sinnott & Co, Solicitors, Market Square,
Enniscorthy, Co.Wexford

Respondent: Peninsula Business Services (Ireland) Limited, Unit 3,
Ground Floor, Block S, East Point Business Park, Dublin 3

The decision of the Tribunal was as follows:-

Claimant's case:

The claimant received an RP9 advising him of lay-off on 15th January 2010. He got advice from his local Citizens Information Office and one month after he got notification of his apprenticeship qualification (23rd March) he filled out part B of the form notifying his employer of his intention to seek redundancy. He was not offered 13 weeks of continuous employment within seven days.

The claimant had a conversation with TH his employer who said he would deal with it in due course. The claimant re-sent the form in June as the respondent said they never received the original.

Respondent's case

TH director of the respondent company gave evidence that the claimant worked on the factory floor. He was laid off in January as things are usually quite around that time. He had a conversation with the claimant sometime in March when the claimant asked him if he had received

his RP9. He told the claimant that things were picking up and he would be looking for him to return to work.

Under cross examination TH said he did not receive the original RP9, he didn't understand why the claimant could not have dropped it in as he lives in the same town.

He did not give the claimant an exact date of return.

Determination:

The Tribunal is satisfied that the appellant was dismissed by reason of redundancy and accordingly, is entitled to a lump sum payment under the Redundancy Payments Acts, 1967 to 2007 based on the following criteria.

Date of Birth	14 th March 1985
Employment commenced	28 th November 2005
Employment ended	11 th January 2010
Gross weekly pay	€440-00

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)

