

## EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:  
EMPLOYEE  
- *appellant*

CASE NO.  
  
RP1830/2011

against  
EMPLOYER – *respondent*

EMPLOYER - *respondent*

under

### REDUNDANCY PAYMENTS ACTS, 1967 TO 2007

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Mr N. Russell

Members: Mr J. Hennessy  
Mr F. Dorgan

heard this appeal at Clonmel on 17th October 2012

Representation:  
\_\_\_\_\_

Appellant(s) : In Person

Respondent(s) :

#### **Determination**

The claimant's case is that his employment was terminated by way of redundancy in June 2011. The respondent disputes this contention advising the Tribunal that the claimant's work which was of a seasonal nature was there for him in September/October 2011 as it had been in previous years. The agreed pattern of the claimant's employment with the respondent in the previous four years indicates that the claimant worked for less than eight months in each year with the respondent and had over four months off in each year of these years. The respondent's witness explained the seasonal nature of the business to the Tribunal.

Pursuant to the provisions of section 8 of the Redundancy Payments Act, 1967 the claimant would not have an entitlement to a redundancy payment by reason of dismissal until a period exceeding four months (average annual period of lay off over previous four years) had elapsed from 1 June 2011. In this instance the claimant brought a claim for redundancy on 28 June 2011.

Accordingly, as no question of redundancy would have arisen in this instance until September/October 2011, the claim which was initiated in June 2011 when no entitlement had arisen fails.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

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

