

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:
EMPLOYEE *-appellant*

CASE NO.

RP1710/2011

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 12th October 2012

Representation:

Appellant:

Respondent:

Background:

Evidence was heard from a company director who stated that the appellant's work proficiency was excellent and that he had a good work ethic. The appellant had commenced the apprenticeship in 2007 and was therefore a fourth year apprentice and was paid at that rate by the company as per the REA, however he had not passed the first written examination.

The company received a letter from Fás, dated 24 March 2011, stating that the appellant had failed in his final attempt to sit the examination. The company was left with no option but to terminate the apprenticeship due to the appellant's failure to progress through the standards based apprenticeship system. The appellant was informed of this by letter 25 March 2011

The Tribunal heard evidence from the appellant that he had undertaken daily private grinds in an attempt to pass the exam.

Determination:

The appellant was an apprentice electrician with the respondent company under a standard Fás apprenticeship contract. He failed in his final attempt to pass those exams necessary to continue with his apprenticeship and it was for that reason alone that his employment was terminated. In the circumstances, the Tribunal finds that the appellant was not made redundant and accordingly, his appeal under the Redundancy Payments Acts, 1967 to 2007, does not succeed.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)