

**EMPLOYMENT APPEALS TRIBUNAL**

**APPEAL OF:**

**CASE NO.**

EMPLOYEE

RP1780/11

- appellant

**Against**

EMPLOYER

- respondent

**under**

**REDUNDANCY PAYMENTS ACTS, 1967 TO 2007**

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Ms D. Donovan B.L.

Members: Mr J. Hennessy  
Ms S. Kelly

heard this appeal at Waterford on 16th November 2012.

**Representation:**

Appellant: In person

Respondent : Mr. Colm Morris, FDC Accountants, FDC House, Woodbine Business  
Park, New Ross, Co. Wexford

The decision of the Tribunal was as follows:-

**Determination:**

The appellant commenced employment on 16<sup>th</sup> May 2005 and was employed as a carpenter. In late January 2008 the appellant sought permission from the respondent to travel to Australia for a six to seven week period. The appellant was not replaced while he was away.

It was the respondent's case that he had issued the appellant with his P45 and therefore his employment had been terminated and accordingly there was a break in service and the appellant was not entitled to a redundancy lump sum. The appellant disputed that he had received his P45. The appellant had obtained a holiday visa in advance of his travel. His intention was to return to work after his holidays and this was in agreement with the respondent. The appellant recommenced working for the respondent soon after his return from holidays. The appellant's employment was terminated on 17<sup>th</sup> December 2009 due to lack of work.

The Tribunal finds that the absence of the appellant for the six to seven week period did not break his service as the absence was agreed to by the respondent. The Tribunal is satisfied that the appellant was made redundant and finds that he is entitled to a redundancy payment under the Redundancy Payments Acts, 1967 to 2007 based on the following criteria:

Date of Birth:	6 <sup>th</sup> July 1980
Date of Commencement:	16 <sup>th</sup> May 2005
Date of Termination:	17 <sup>th</sup> December 2009
Gross Weekly Wage:	€581.20

This award is made subject to the appellant having been in employment which is insurable for all purposes under the Social Welfare Consolidation Act 2005.

Sealed with the Seal of the  
Employment Appeals Tribunal

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