

EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:
EMPLOYEE

CASE NO.
RP1743/2011

Against

EMPLOYER

under

REDUNDANCY PAYMENTS ACTS, 1967 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr R. Maguire, B.L.

Members: Mr A. O'Mara
Ms M. Mulcahy

heard this appeal at Dublin on 23rd August 2012

Representation:

Appellant:

Respondent:

The decision of the Tribunal was as follows:

Dismissal as a fact was in dispute between the parties.

It was the respondent's case that on receipt of the claimants request for redundancy on 20th May 2011 the claimant was contacted on the same day (by telephone) asking him to reconsider and offering him work. The claimant refused. A letter was sent to the claimant dated 27th May advising him that work was available but also enclosing an RP50 form.

It was the claimant's case that he was on lay-off and served a letter on the respondent requesting his redundancy dated 18th May. He received no telephone call from the respondent and no guarantee of work was ever given.

The claimant's representative made a submission that the Redundancy Act clearly stated a time frame of 7 days for the respondent to serve counter notice. While the respondents letter was dated 27th May it was only received on 30th May, he also referred to the Interpretation Act 2005.

Determination:

The Tribunal is satisfied from the evidence adduced and having been referred to the Interpretation Act 2005 that the claimant served notice on the respondent on 19th May and that the company only served their counter notice on 28th May therefore were out of time. Consequently, the Tribunal finds that the appellant is entitled to a lump sum payment under the Redundancy Payments Acts, 1967 to 2007, based on the following criteria:

Date of Birth:	23 December 1986
Date of Commencement:	18 October 2006
Date of Termination:	16 June 2011
Gross Weekly Pay:	€596.70

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)

