

## EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:  
EMPLOYEE – *appellant*

CASE NO.  
RP330/2012

Against

EMPLOYER - *respondent*

under

### REDUNDANCY PAYMENTS ACTS, 1967 TO 2007

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Dr. A. Courell B.L.

Members: Mr. D. Morrison  
Mr M. McGarry

heard this appeal at Castlebar on 3 December 2012

Representation:

Appellant(s) : Ms Elizabeth Gallagher, Paul O'Malley & Co, Market Square,  
Castlebar, Co Mayo

Respondent(s) : No appearance by or on behalf of the respondent

#### **Determination**

The appellant gave evidence of commencing employment with the respondent company in August 2001. In October 2007 he had an accident and had not returned to work since that period. From October 2009 he was fit to return to work and told the Tribunal he had informed the employer. The foreman indicated to him that under no circumstances would he be taken back. The respondent went into receivership in November 2011. A letter submitted on behalf of the receiver dated the 3 April 2012 stated that the appellant had been laid off some time ago.

The Tribunal is satisfied that all parties were properly notified of the hearing. There was no appearance by or on behalf of the respondent.

The Tribunal carefully considered the evidence adduced at the hearing. The evidence before the Tribunal did not establish on the balance of probabilities that a redundancy situation existed. Even if the tribunal was satisfied a redundancy situation existed the claim was outside of the time limit as the appellant maintained that he was laid off some time in or around October 2009.

Accordingly, the claim under the Redundancy Payments Acts, 1967 to 2007 is dismissed.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

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