

EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:

CASE NO.

EMPLOYEE - **Appellant**

RP1926/2011

against

EMPLOYER - **Respondent**

under

REDUNDANCY PAYMENTS ACTS, 1967 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr S. Mahon

Members: Mr P. Pierson
Ms H. Murphy

heard this appeal at Carrick on Shannon on 25 June 2012

Representation:

Appellant:

Ms Edel Powell BL instructed by Ms Aoife Kelly,
Kevin P. Kilrane & Co. Solicitors, Mohill, Co. Leitrim

Respondents:

Ms Karen Walsh, Hughes & Associates Solicitors,
Suite 1, Distillery Building, Smithfield, Dublin 7

The determination of the Tribunal was as follows:

Determination:

There was a dispute between the parties about the circumstances in which the employment came to an end. It was common case that the appellant, who worked as a carpenter, was certified unfit for work by his GP for two weeks from 25 October 2010.

The appellant's position was that he was unfit for work for a further week and that around 18 November 2010 he met the managing director (MD) who told him that there was no work and he should go to Social Welfare. His position was further that he then requested his P45 and

began work for a new employer on 22 or 23 November 2010. The respondent's position was that the appellant began work for his new employer on 5 November 2010 and that the P45 was not requested until sometime in April 2011.

At the conclusion of the hearing the appellant was requested to supply the Tribunal with a copy of his P60 for 2010 from his new employer. This revealed that the appellant had been in insurable employment with the new employer for seven weeks, thus vindicating the respondent's position that the appellant commenced with his new employer on 5 November 2010. In these circumstances the Tribunal is satisfied that the appellant resigned from his position with the respondent. Accordingly, the appeal under the Redundancy Payments Acts, 1967 to 2007 must fail.

Sealed with the Seal of the
Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)