

## EMPLOYMENT APPEALS TRIBUNAL

APPEALS OF:  
EMPLOYEE *-appellant*

CASE NO.  
RP2220/2011  
MN1740/2011

against  
EMPLOYER *-respondent*

under

### REDUNDANCY PAYMENTS ACTS, 1967 TO 2007 MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2005

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Ms. K. T. O'Mahony B.L.

Members: Ms M. Sweeney  
Mr F. Dorgan

heard this appeal at Limerick on 5th December 2012

#### **Representation:**

Appellant: In Person

Respondent: Tom Smyth & Associates, 61 St Marys Road, Midleton, Co Cork

The appellant worked for the respondent from the 27<sup>th</sup> December 2006 until he resigned to take up alternative employment in September 2008. The appellant admits he did leave his employment at that time. The appellant resumed employment with the respondent in November 2008.

In May 2010 the respondent gave the appellant notice that he was being made redundant. The appellant maintains he was put on temporary lay-off and his employment was not terminated until September 2010. The appellant's representative was in communication with the respondent on his behalf between May and September 2010.

#### **Determination**

The Tribunal finds that by his own admission the appellant voluntarily left his employment in September 2008. Having commenced employment for a second time with the respondent on 10 November 2008 and having been made redundant on 27 September 2010, the appellant's service falls short of the requisite 2 years' service that would entitle him to a redundancy lumpsum payment under the Acts. The appeal under the Redundancy Payments Acts, 1967 to 2007 fails.

The Tribunal awards the appellant €440.00 being the equivalent to one week's pay under the Minimum Notice and Terms of Employment Acts, 1973 to 2005.

Sealed with the Seal of the  
Employment Appeals Tribunal

This \_\_\_\_\_

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