

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:

CASE NO.

EMPLOYEE – *appellant*

RP1727/2011
MN1402/2011

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: Mr D. Hegarty
Mr J. Flavin

heard this appeal at Cork on the 11 September 2012

Representation:

Appellant(s) : in person

Respondent(s) : Barry Turnbull & Company, Solicitors, 33/34 Washington Street West, Cork

Summary of Evidence

The appellant commenced employment with the respondent in August 2004 as an apprentice plumber. Over the course of employment the appellant had to repeat some of his FÁS exams in order to proceed to the next level, resulting in the apprenticeship having been dragged out. While there was some disagreement about what was said between the parties on 20 August 2009 the respondent agreed that the appellant was laid off in August 2009 due to a shortage of work. The appellant qualified as a plumber in October 2009 and received his qualification papers in December 2009. In or around June 2010 the appellant raised the issue of redundancy with the respondent, who told him he was not entitled to a redundancy payment.

The respondent only discovered in June 2010 that the appellant had obtained his final qualification and around this time he forwarded the appellant his P45.

Determination

The Tribunal having considered the evidence and submissions made by both parties are satisfied that the employee was laid off on 20 August 2009 and that his employment was ultimately terminated on 2 July 2010 as recorded on the P45 issued to him by the respondent. The appellant lodged his appeal on the 14 June 2011 and the appeal is therefore properly before the Tribunal, within the statutory time limit of 52-weeks.

The Tribunal noted that the appellant was laid off due to the fact that there was no work for him. His employment was subsequently terminated on 2 July 2010, more than four weeks after his apprenticeship had been completed. The Tribunal finds that termination of employment was by reason of redundancy and awards the appellant a lump sum payment under the Redundancy Payments Acts 1967 to 2007, based on the following information:

Date of Birth:	1 September 1988
Date of Commencement:	1 August 2004
Date of Termination:	2 July 2010
Period of non-reckonable Service:	21 August 2009 to 2 July 2010

Weekly Gross Pay: €650.00

The award made under the Redundancy Payments Acts, 1967 to 2007 is made subject to the appellant having been in insurable employment under the Social Welfare Consolidation Act, 2005 during the relevant period. It should be noted that payments from the social insurance fund are limited to a maximum of €600 per week.

The award made under the Redundancy Payments Acts, 1967 to 2007 is made subject to the appellant having been in insurable employment under the Social Welfare Consolidation Act, 2005 during the relevant period. It should be noted that payments from the social insurance fund are limited to a maximum of €600 per week.

The Tribunal further awards the appellant €2,600.00, being the equivalent of four weeks' gross pay, in lieu of notice under the Minimum Notice and Terms of Employment Acts 1973 to 2005.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)