

EMPLOYMENT APPEALS TRIBUNAL

CLAIM OF:

CASE NO.

EMPLOYER

MN1712/2011

Against

EMPLOYEE

under

MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2005

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms. V. Gates
Members: Mr. M. Noone
 Mr. F. Keoghan

heard this claim at Dublin on 18th January 2013

Representation:

Appellant:
 The appellant in person

Respondent:
 Director of the respondent.

Respondent's case

The respondent told the Tribunal that the claimant had been placed on temporary lay-off from 4th February 2009 and was given a form RP9 to this effect. On 15th July 2009 the appellant returned this form to the respondent duly completed and signed at part B. The respondent then arranged for the payment of a redundancy lump sum payment to the appellant and a form RP50 was completed and signed by both the respondent and the appellant.

Claimant's case

The appellant concurred with the evidence of the respondent and added that he had no choice but to apply for redundancy after such a long time on temporary lay-off as he needed the money.

Determination

It was the appellant's evidence that he completed the form RP9 at section B and thereby applied for a redundancy payment having been on a period of lay-off for at least 4 weeks. The

respondent acted in accordance with the appellant's request and the appellant was paid his statutory redundancy lump sum.

An employee who claims and receives a redundancy payment in respect of lay-off or short time is deemed to have voluntarily left his/her employment and therefore is not entitled to notice under the Minimum Notice and Terms of Employment Acts, 1973 to 2005. Accordingly the appellants appeal under these Acts fails.

Sealed with the Seal of the
Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)