

## EMPLOYMENT APPEALS TRIBUNAL

APPEALS OF:  
EMPLOYEE *-appellant*

CASE NO.  
UD397/2011  
TE52/2011  
WT127/2011

against the recommendation of the Rights Commissioner in the case of:

EMPLOYER *-respondent*

under

### UNFAIR DISMISSALS ACTS, 1977 TO 2007 ORGANISATION OF WORKING TIME ACT, 1997 TERMS OF EMPLOYMENT (INFORMATION) ACT, 1994 AND 2001

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Ms. E. Kearney

Members: Mr. W. O'Carroll  
Ms H. Henry

heard this appeal at Ennis on 19th September 2012

#### **Representation:**

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Appellant: Dermot G O'Donovan, Solicitors, Floor 5, Riverpoint,  
Lower Mallow Street, Limerick

Respondent: Mr Micheál Glynn, Micheál Glynn & Co, Solicitors,  
98 O'Connell Street, Limerick

This case came before the Tribunal by way of an employee appeal of the Rights Commissioner Recommendation **r-091510-ud-10/pob** under the Unfair Dismissals Acts 1977 to 2007, the Rights Commissioner Recommendation **r-091509-te-09/pob** under the Terms of Employment (Information) Act 1994 and the Rights Commissioner Decision **r-091508-wt-10/pob** under the Organisation of Working Time Act 1997.

The appeals of the Rights Commissioner Recommendation **r-091509-te-09/pob** under the Terms of Employment (Information) Act 1994 and the Rights Commissioner Decision **r-091508-wt-10/pob** under the Organisation of Working Time Act 1997 were withdrawn at the outset.

**Determination**

The claimant accepts that he was not unfairly dismissed but fairly selected for redundancy. The Tribunal accept jurisdiction to hear this appeal and find that the claimant was not unfairly dismissed but that a genuine redundancy situation existed within the respondent.

In the circumstances the Rights Commissioner Recommendation **r-091510-ud-10/pob** under the Unfair Dismissals Acts, 1977 to 2007 is upheld.

Sealed with the Seal of the  
Employment Appeals Tribunal

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