

EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:

EMPLOYEE

- *Appellant*

-

against

- EMPLOYER *respondent*

under

CASE NO.

RP2211/2011

REDUNDANCY PAYMENTS ACTS, 1967 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms D. Donovan B.L.

Members: Mr J. Browne
Mr F. Dorgan

heard this appeal at Wexford on 23rd November 2012

Representation:

Appellant(s) : In Person

Respondent(s) :

The decision of the Tribunal was as follows:-

Determination:

Having considered the evidence adduced at the hearing the Tribunal finds that the respondent retained the claimant in employment in order that the claimant could complete his apprenticeship training albeit that the respondent had suffered a downturn in its business.

The Tribunal finds that the claimant's employment with the respondent was terminated on the 21st April 2011 which was the last day of the claimant's final phase of the on-the-job training in respect of his apprenticeship with the respondent. The claimant had not yet received his certification of completion from FÁS on that day and did not receive it until some months later.

The Tribunal finds that an apprenticeship cycle is deemed to be complete when an apprentice has served the minimum timeframe from the date of registration and has successfully completed all of the alternating on-the-job and off-the-job phases of the apprenticeship. Accordingly, the claimant had completed his apprenticeship on 21st April 2011 and from that date was merely

awaiting certification from FÁS.

Section 7(4) of the Redundancy Payments Act 1967 provides as follows:-

" Notwithstanding any other provision of this Act, where an employee who has been serving a period of apprenticeship training with an employer under an apprenticeship agreement is dismissed within one month after the end of that period, that employee shall not, by reason of that dismissal, be entitled to redundancy payment."

As the claimant was dismissed within one month after the end of his apprenticeship training the Tribunal finds that his claim under the Redundancy Payments Acts 1967-2007 fails.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)