

EMPLOYMENT APPEALS TRIBUNAL

CLAIM(S) OF:
EMPLOYEE
-claimant

CASE NO.
UD2394/2010
RP3229/2010

against
EMPLOYER
under

-respondent

UNFAIR DISMISSALS ACTS, 1977 TO 2007
REDUNDANCY PAYMENTS ACTS, 1967 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms D. Donovan B.L.
Members: Mr J. Horan
Mr N. Dowling

heard this claim at Wexford on 5th July 2012
and 10th October 2012

Representation:
Claimant(s): In person

Respondent(s):

Determination:

The complainant commenced work with the respondent on 9th May 2005. His employment was terminated on 2nd September 2010 and he lodged two claims with the Tribunal - one under the Unfair Dismissals Acts 1977 to 2007 and one under the Redundancy Payments Acts 1967 to 2007.

At the resumed hearing on 19th March 2013, at which the complainant had no legal representation, the complainant withdrew his claim under the Unfair Dismissals Acts 1977 to 2007 and stated that he wished to proceed with his claim under the Redundancy Payments Acts 1967 to 2007.

Having considered the evidence adduced at the hearing regarding a claim under the Redundancy Payments Acts 1967 to 2007 the Tribunal finds that the complainant, although on short time for a period before his employment with the respondent was terminated, had not applied to the respondent for redundancy and by the time the complainant lodged his claim for redundancy with the Tribunal he had already been dismissed by the respondent for reasons other than wholly or mainly attributable to redundancy. Accordingly, the claim under the Redundancy Payments Acts 1967 to 2007 must fail.

Sealed with the Seal of the
Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)

