

## EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:

CASE NO.

EMPLOYEE

– *appellant*

RP2723/2011

Against

EMPLOYER- *respondent*

under

### REDUNDANCY PAYMENTS ACTS, 1967 TO 2007

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Mr P. Hurley

Members: Mr G. Andrews  
Ms H. Henry

heard this appeal at Galway on 16th May 2013

Representation:

Appellant(s) : In person

Respondent(s) : In person (Company Director)

The decision of the Tribunal was as follows:-

#### Summary of Evidence

The appellant commenced employment with the respondent company in March 2008. He worked full time initially but in 2010 his employer reduced his hours to four days per week or twenty hours per week. During the spring and summer of 2011 he returned to full time working hours. The respondent's business was always busy during those periods each year. In early September 2011 at a meeting with the employer he was informed his hours would be reduced to two or three days per week and some weeks he was not guaranteed any hours. The employer suggested he should look for other employment. A job became available in a local business which he applied for and got. This job was to supplement his part time hours with his existing employer and he never resigned from his employment. After two weeks training with the second employer which was agreed by all the parties on the 8 October 2011 the respondent called to him at his second employment and gave him his P45. Having sought advice the appellant returned to the respondent advising him that he was entitled to a redundancy payment. The respondent later said he was withdrawing the P45 and

asked him to work for three days which he had to refuse due to the late notice and the fact he was rostered to work for the second employer for those days.

The respondent gave evidence of the appellant calling to him on the 14 October 2011 seeking a redundancy payment. He was surprised by this as he believed the appellant had successfully sought alternative employment. He offered the appellant two weeks work which was turned down. The job was not made redundant and still existed on the 14 October 2011. The position was since filled.

### **Determination**

The Tribunal considered the evidence of both parties at the hearing. The claimant did not provide any cogent or persuasive evidence that a redundancy situation arose. The claim under the Redundancy Payments Acts 1967 to 2007 therefore fails.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

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