

EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:

CASE NO.

EMPLOYEE *-appellant*

RP144/2012

Against

EMPLOYER *-respondent*

under

REDUNDANCY PAYMENTS ACTS, 1967 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms. M. Levey B.L.

Members: Mr M. Noone
Ms M. Mulcahy

heard this appeal at Dublin on 31st May 2013

Representation:

Appellant:

Respondent: In Person

Respondent's Case

The respondent is an employment agency who employed the appellant as a result of a transfer of undertakings from the previous contract holder in June 2011. The appellant was a seasonal employee. He had been working in the same position for 5 years so was aware that the work was seasonal. In October 2011 the appellant was notified that his current position was coming to an end and he was invited to a meeting on the 18th or 19th of October 2011 to discuss further employment. The appellant did not attend this meeting or contact the respondent. The respondent attempted to contact the appellant by phone. The respondent was aware that the appellant had commenced employment with another employment agency.

Appellant's Case

The appellant had been in his position for five years. The position was not seasonal and he had never had a break in service up to October 2011. The appellant had no other option but to take up alternative employment immediately after his employment concluded in October 2011.

Determination

The Tribunal are satisfied that a redundancy situation did not exist within the respondent. The appellants did not engage with the respondent in relation to any further employment. The appeal under the Redundancy Payments Acts, 1967 to 2007 fails.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)