

EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:
EMPLOYEE *-appellant*

CASE NO.
RP1207/2012

Against

EMPLOYER *-respondent*

under

REDUNDANCY PAYMENTS ACTS, 1967 TO 2007

I certify that the Tribunal
(Division of Tribunal)

Chairman: Ms. E. Kearney B.L.

Members: Mr T. Gill
Ms H. Murphy

heard this appeal at Ennis on 24th June 2013

Representation:

Appellant: In Person

Respondent: In Person

Appellant's Case

The appellant gave evidence that he worked for the respondent from the 2nd of March 2010. He was initially employed through an agency. On the 7th of June 2010 he signed a contract with the respondent and became a direct employee. He was made redundant as of the 11th of May 2012. The appellant's payslips state the agency as his employer until he became a direct employee in June 2010.

Respondent's Case

The respondent is not contesting that there was a redundancy situation only that the appellant does not have the required service to qualify for a redundancy lump sum payment. The appellant was employed through an agency in March 2010. The respondent was happy with the appellant's work so employed him directly as of the 7th of June 2010. The respondent submitted the payroll details for the appellant's employment and his P45 from the agency dated the 6th of June 2010. Before the 7th of June the agency invoiced the respondent for the appellant's services.

Determination

The Tribunal are satisfied that the appellant was employed by the agency until his direct employment on the 7th of June 2010. He therefore does not have the requisite 104 weeks service to qualify for a redundancy lump sum payment under the Acts. The appeal under the Redundancy Payments Acts, 1967 to 2007 fails.

Sealed with the Seal of the

Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)