

## EMPLOYMENT APPEALS TRIBUNAL

APPEAL OF:

CASE NO.

EMPLOYEE –Appellant

RP1347/2009

against

EMPLOYER -Respondent

under

### REDUNDANCY PAYMENTS ACTS, 1967 TO 2007

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Ms. N. O'Carroll-Kelly B.L.

Members: Mr. D. Winston  
Ms. M. Mulcahy

heard this appeal at Dublin on 11th March 2010

#### **Representation:**

Appellant: In Person

Respondent: A director of the company.

#### **The decision of the Tribunal was as follows:**

A director of the company gave evidence that the appellant was initially employed on the 18<sup>th</sup> October 2004 for a three-month trial period. Subsequently, the appellant commenced an apprenticeship with the respondent on the 18<sup>th</sup> January 2005. The parties agreed that the appellant's apprenticeship was registered with Fás on the 10<sup>th</sup> February 2005. The appellant stated that Fás had informed him that this was the date of commencement of his apprenticeship.

In the latter part of 2008 and towards the end of the appellant's apprenticeship, the director realised that the respondent company would be unable to retain the appellant once he had completed his apprenticeship. The director was cognisant of the economic downturn and realised the company would be unable to pay the qualified rate to the appellant once he had completed his apprenticeship. The parties agreed they had discussed this issue in early December 2008.

The appellant's employment was subsequently terminated on the 23<sup>rd</sup> January 2009. It was verbally confirmed to the appellant some two weeks prior to this date that he would not be retained in the respondent's employment once he had completed his apprenticeship.

**Determination:**

Both parties agreed that the appellant was given notice in December 2008 that his employment would cease once he had completed his apprenticeship. Although Fás did not register the appellant's apprenticeship until the 10<sup>th</sup> February 2005, the appellant had commenced working under his apprenticeship on the 18<sup>th</sup> January 2005. As the appellant's employment terminated on the 23<sup>rd</sup> January 2009 the Tribunal finds that the appellant is not entitled to a redundancy payment by virtue of S.7(4) of the Redundancy Payments Acts, 1967 to 2007.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

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