

EMPLOYMENT APPEALS TRIBUNAL

APPEALS OF:
EMPLOYEE - *appellant*

CASE NOS.
RP154/2010
MN107/2010
WT59/2010

against

EMPLOYER – *respondent*

under

**REDUNDANCY PAYMENTS ACTS, 1967 TO 2007
MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2005
ORGANISATION OF WORKING TIME ACT 1997**

I certify that the Tribunal
(Division of Tribunal)

Chairman: Mr. D. MacCarthy SC
Members: Mr. E. Handley
Mr. N. Dowling

heard this appeal at Dublin on 16th September 2010

Representation:

Appellant: Mr. Derek Oman of TEEU,
5 Cavendish Row, Dublin 1

Respondent: Mr. Stephen Sands of Construction Industry Federation,
Construction House, Canal Road, Dublin 6

The determination of the Tribunal was as follows:

The appellant accepted that he had received a redundancy lump sum and the appeal under the Redundancy Payments Acts, 1967 to 2007 was withdrawn.

The appellant wrote to the respondent, following a period of lay off, requesting a redundancy payment. Thus he terminated his employment and as a result is not entitled to notice. The claim under the Minimum Notice and Terms of Employment Acts, 1973 to 2005 fails.

It was common case that the appellant is due a days holiday pay. The appellant is awarded €167.62.

The claim under the Organisation of Working Time Act 1997 is allowed.

Sealed with the Seal of the
Employment Appeals Tribunal

This _____

(Sgd.) _____
(CHAIRMAN)