

## EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:

CASE NO.

EMPLOYEE            *appellant*

RP2221/2010

Against

EMPLOYER            *respondent*

under

### REDUNDANCY PAYMENTS ACTS, 1967 TO 2007

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Mr. D. Mac Carthy S C

Members: Mr E. Handley  
              Mr. S. O'Donnell

heard this appeal at Dublin on 20th April 2011  
                                  and 13th June 2011  
                                  and 23rd August 2011

Representation:

\_\_\_\_\_

Appellant(s):            The appellant in person

Respondent(s) :         Mr. Paul Dunne, IBEC, Confederation House, 84/86 Lower  
                                  Baggot Street, Dublin 2

The decision of the Tribunal was as follows:-

#### **Determination**

On behalf of the respondent it was argued that the Tribunal had no jurisdiction to hear this case as the claim was initiated with the Tribunal before his employment terminated. The Tribunal does not accept this argument as his employment undoubtedly ended before the date of the hearing. The appellant was laid off on the 31<sup>st</sup> March 2010 when a respondent contract at a particular premise ended. On the 7<sup>th</sup> July 2010 the respondent received an RP50 which had been signed by the appellant. The service of this document by the appellant was a resignation under Section 12 (2) of the Act of 1967. He would be prima facie entitled to a redundancy payment unless he was disentitled by virtue of Section 15 by refusing to accept alternative employment.

The respondent offered him work at three other locations. The Tribunal is of the view that two of these three offers were suitable in relation to him. The Tribunal finds that his refusal of the two offers disentitles him by virtue of Section 15(2) of the Act of 1967.

The claim under the Redundancy Payments Acts, 1967 to 2007 fails.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

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

