

## EMPLOYMENT APPEALS TRIBUNAL

APPEAL(S) OF:  
EMPLOYEE - *appellant*

CASE NO.  
RP2328/2011

Against

EMPLOYER - *respondent*

under

### REDUNDANCY PAYMENTS ACTS, 1967 TO 2007

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Dr. A. Courell B.L.

Members: Mr. D. Morrison  
Mr M. McGarry

heard this appeal at Castlebar on 7 December 2012

Representation:

Appellant(s) :In peson

Respondent(s) : Gilvarry and Associate, Unit 9, N5 Business Retail Park, Moneen Road,  
Castlebar, Co. Mayo

#### **Determination**

The appellant received a redundancy payment calculated on a three-day working week. He worked for the respondent for fifteen years and received a redundancy payment of €9183.

He was before the Tribunal to appeal the amount received stating that the calculation should be based on his full time position. He was placed on a three-day working week in June 2009 and his evidence to the Tribunal was that he never accepted a three day working week. Following a period of lay off with no possibility of returning to full time employment he sought redundancy. He presented a letter as evidence which he said he tried to deliver to MB seeking a return to full time employment. MB refused to take the letter when he attempted to deliver it by hand.

A director of the respondent company said she was surprised by the claim made by the appellant. They always tried to do best for the employee and he accepted the redundancy payment offered.

The Tribunal is satisfied that the appellant was on a three-day working week for a period of two years before he sought redundancy. The Tribunal was not presented with compelling evidence

that the appellant did not accept this situation. There was no documentary evidence presented to the Tribunal seeking re-instatement to fulltime employment and therefore the claim under the Redundancy Payments Acts 1967 to 2007 fails.

Sealed with the Seal of the  
Employment Appeals Tribunal

This \_\_\_\_\_

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