



New Zealand Employment Relations Authority Decisions

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Aschei v My Roofing 2016 Limited (Christchurch) [2018] NZERA 1092; [2018] NZERA Christchurch 92 (21 June 2018)

Last Updated: 4 July 2018

IN THE EMPLOYMENT RELATIONS AUTHORITY CHRISTCHURCH

2018 NZERA Christchurch 92
3024532

BETWEEN JORGE ASCHEI Applicant

A N D MY ROOFING 2016 LIMITED Respondent

Member of Authority: Peter van Keulen Investigation Meeting: On the papers Written Determination

issued: 21 June 2018

DETERMINATION OF THE AUTHORITY

A. My Roofing 2016 Limited is to pay Mr Aschei \$561.29 (gross)

within 14 days of this determination.

B. My Roofing 2016 Limited is to pay Mr Aschei the sum of \$71.56 within 14 days of this determination.

Employment relationship problem

[1] My Roofing 2016 Limited employed Jorge Aschei from 1 December 2017 until 19 December 2017.

[2] Mr Aschei says that during this employment, he worked 108.5 hours and he should have been paid \$1,844.50 (gross) but My Roofing only paid him \$1,430.77 (gross). This means there is a shortfall in payment of \$413.73 (gross).

[3] In addition, Mr Aschei says My Roofing has not paid him holiday pay owing at the end of his employment of \$147.56 (gross), this being 8% of \$1,844.50.

[4] Therefore, Mr Aschei's claim for wage arrears is for a total payment of

\$561.29 (gross).

Progress of this matter

[5] My Roofing has not lodged a statement in reply in response to Mr Aschei's

statement of problem.

[6] In a notice of direction dated 4 May 2018, I directed My Roofing to lodge, with the Authority, its statement of reply and wage and time records within 21 days. I also noted in that notice of direction that if My Roofing did not comply with my direction then I would proceed to determine this matter based on the information provided by Mr Aschei.

[7] Despite this direction, My Roofing has not lodged a statement in reply nor has it lodged any wage and time records.

[8] I am satisfied that My Roofing received the statement of problem and the notice of direction but it has failed to engage in this matter.

[9] In all of the circumstances, it is safe for me to proceed to determine this matter on the papers.

Discussion

[10] As My Roofing has failed to provide wage and time records as directed I can rely on Mr Aschei's records of hours worked and wages owed¹.

[11] Mr Aschei has also produced copies of correspondence with My Roofing in which he has requested payment of his wage arrears. There was initially some engagement by My Roofing and in the course of this engagement it did not appear to dispute that it owed wages to Mr Aschei.

[12] In all of the circumstances I am satisfied that Mr Aschei is entitled to be paid the amount he claims and My Roofing has failed to pay Mr Aschei this amount. So,

My Roofing must pay Mr Aschei \$561.29 (gross).

¹ [Section 132](#) of the [Employment Relations Act 2000](#).

Costs

[13] Mr Aschei is entitled to the filing fee on the statement of problem that he has lodged with the Authority.

Determination

[14] My Roofing 2016 Limited is to pay Mr Aschei \$561.29 (gross) within 14 days of this determination.

[15] My Roofing 2016 Limited is to pay Mr Aschei the sum of \$71.56 within 14 days of this determination.

Peter van Keulen

Member of the Employment Relations Authority

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