

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
AUCKLAND**

AA 39A/10  
5155981

BETWEEN

KATHERINE MERRIE  
AUSTIN  
Applicant

AND

THE MULCHER LIMITED  
Respondent

Member of Authority: Dzintra King

Representatives: Stan Austin, Advocate for Applicant  
Tony Katavich, Advocate for Respondent

Submissions received: 12 February 2010 from Applicant  
15 February 2010 from Respondent

Determination: 12 April 2010

---

**DETERMINATION OF THE AUTHORITY**

---

**Employment Relationship Problem**

[1] The applicant was successful in her personal grievance claim. I asked the parties to supply me with information regarding Ms Austin's wages and post employment earnings in order that lost remuneration could be calculated.

[2] Ms Austin was unemployed for a period of 18 weeks after her dismissal although she had sought alternative employment.

[3] Ms Austin was dismissed on 27 January 2009 and subsequently was paid four weeks' notice.

[4] I have examined the wages records. Ms Austin earned \$19,022.52 during the course of her employment. She was employed for 23.58 weeks. Her weekly average

earnings were \$806.72. Ms Austin is entitled to recoup thirteen weeks less than four weeks notice. The amount payable by the respondent to Ms Austin is \$7,260.50.

Dzintra King

Member of the Employment Relations Authority