

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
AUCKLAND**

**AA 373/08  
5133913**

BETWEEN      MICHAEL GEORGE BREAR  
                         Applicant

AND             PETER SINCLAIR  
                         Respondent

Member of Authority:      Leon Robinson

Representatives:          Applicant In Person  
                                 No Appearance for Respondent

Investigation Meeting:      15 October 2008

Determination:              30 October 2008

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**DETERMINATION OF THE AUTHORITY**

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**The problem**

[1]    The applicant Mr Michael Brear ("Mr Brear") claims arrears of wages against his former employer Mr Peter Sinclair ("Mr Sinclair").

[2]    Mr Sinclair advised the Authority's support staff he would lodge a statement in reply on two separate occasions. That advice is sufficient proof of service. Despite his assurances, Mr Sinclair did not lodge a statement in reply. He has not sought leave to defend the matter. The matter is therefore undefended. Mr Brear's evidence at investigation meeting is unchallenged.

**The facts**

[3]    Mr Brear commenced employment with Mr Sinclair in November 2007 and performed general cleaning duties in Mr Sinclair's safety-wear department. He was paid \$15.00 per hour.

[4] In January 2008 Mr Brear says that Mr Sinclair's partner, one "Joycie" phoned him and advised they could not afford to pay Mr Brear. That was apparently the termination of the relationship.

[5] Mr Brear says Joycie eventually wrote a note of the wages he was owed. He produces that note to the Authority as evidence he is owed \$885.36 by Mr Sinclair.

### The merits

[6] The application undefended and Mr Brear's evidence unchallenged, I find that Mr Brear is owed arrears of wages in the gross sum of \$885.36 by Mr Sinclair.

### The determination

[7] **Peter Sinclair is ordered to pay to Michael Brear the gross sum of \$885.36 as arrears of wages.**

Leon Robinson  
**Member of Employment Relations Authority**