

Under the Employment Relations Act 2000

**BEFORE THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND OFFICE**

BETWEEN Ben Brown (Applicant)
AND Masta Maintenance Services Auckland Ltd (Respondent)
REPRESENTATIVES Mr Francis Sabbineni, Advocate for Applicant
No appearance by respondent
MEMBER OF AUTHORITY Dzintra King
INVESTIGATION MEETING 25 October 2005
DATE OF DETERMINATION 25 October 2005

DETERMINATION OF THE AUTHORITY

The respondent has failed to file a Statement in Reply or to appear at the Investigation Meeting. In the absence of the respondent I heard the evidence of Mr Brown, the applicant, and this determination is made on the basis of that uncontested evidence.

Mr Brown said he was telephoned by Mr Adrian Richmond and told to come to a meeting. That request was then cancelled and later on the same day, 30 June 2005, Mr Brown received a further telephone call from Mr Richmond. Mr Richmond asked that he attend a meeting that afternoon. Mr Brown said he had finished work and had no transport. Mr Richmond told him he was sacked.

Mr Brown said he was shocked by the dismissal and did not look for other work until about six weeks prior to the hearing.

Remedies

Mr Brown was unjustifiably dismissed and has a personal grievance. I am unable to award lost wages because Mr Brown did not attempt to mitigate his losses by looking for other employment. His evidence about the effect on him of the dismissal was scant and the claim for \$10,000 is excessive. The respondent is to pay Mr Brown \$2,000 as compensation for humiliation and distress.

There was no evidence of any contribution to the grievance by the applicant.

Costs

Mr Sabbineni sought \$1,500 costs. The undefended hearing took about half an hour and a short brief of evidence was produced. The claim for \$1,500 is excessive for a simple personal grievance with little preparation required.

The respondent is to pay \$500 costs and the \$70 filing fee.

Dzintra King
Member of Employment Relations Authority