

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
CHRISTCHURCH**

CA 143/09  
5124844

BETWEEN                      MEI FONG CHAN  
   Applicant  
  
AND                              G. S. MCLAUCHLAN & CO  
   Respondent

Member of Authority:      Philip Cheyne  
  
Representatives:            No appearance for Applicant  
   Graeme McLauchlan, Advocate for Respondent  
  
Investigation Meeting:      2 September 2009 at Dunedin  
  
Determination:              2 September 2009

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**DETERMINATION OF THE AUTHORITY**

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[1]      Mei Fong Chan was employed by G. S. McLauchlan & Co but was dismissed in March 2005. Ms Chan raised a grievance about that dismissal by letter dated 2 June 2005. These proceedings were lodged with the Authority on 21 May 2008 just within the 3 year time limit for doing so. In its statement in reply G.S. McLauchlan & Co acknowledges dismissing Ms Chan but says that it did so justifiably.

[2]      Arrangements were made by the Authority for a phone conference after some difficulty contacting Ms Chan. Shortly before the date scheduled for the conference Ms Chan asked for it to be postponed as she was unwell. A medical certificate was later provided certifying her as unfit for work until May 2009.

[3]      In May 2009 the Authority attempted to contact Ms Chan to make further arrangements for a phone conference. Ms Chan did not respond to these attempts. I then scheduled an investigation meeting and made various directions about the supply of material relevant to Ms Chan's claims. Ms Chan has not complied with these directions.

[4] I am satisfied that the notice of meeting and the notice of directions were served on Ms Chan by being sent to her email address given originally by her as an address for service and used by her in her limited contact with the Authority.

[5] There was no appearance by Ms Chan at the meeting this morning. Mr McLauchlan appeared for the respondent. In the absence of any good reason explaining Ms Chan's non appearance I decided to proceed.

[6] In the absence of evidence supporting Ms Chan's claim I accept that she was justifiably dismissed and that she does not have any sustainable grievance against G.S. McLauchlan. The matter is now at an end.

Philip Cheyne  
Member of the Employment Relations Authority