

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

AA 207/10
5294764

BETWEEN MICHELLE CALCOTT
 Applicant

AND ULTIMATE DESIGN
 & PRINT LIMITED
 Respondent

Member of Authority: K J Anderson

Representatives: Michelle Calcott, In Person
 Nicky and Anthony Morse, Advocates for Respondent

Investigation: On the Papers

Determination: 4 May 2010

DETERMINATION OF THE AUTHORITY

The Problem

[1] Following a mediation meeting, on 20th November 2009, the parties gave a Department of Labour Mediator the power to decide an issue pursuant to s.150 of the Employment Relations Act 2000 (“the Act”). The decision of the Mediator was that pursuant to s.123(1)(c)(i) of the Act, Ultimate Design & Print (“Ultimate”) were to pay to Ms Calcott the sum of \$5,000, on or before 21st December 2009.

[2] It appears that due to the recessionary trading environment, Ultimate were unable to pay the sum awarded by the due date and from 29th December 2009, without the consent of Ms Calcott, Ultimate paid various sums, with the effect that Ms Calcott did not receive the full amount of \$5,000 until on or about 30th March 2010.

[3] Meanwhile, on 5th February 2010, the Authority received a *Statement of Problem* from Ms Calcott seeking that the remainder of the sum due is paid to her and

also a sum equivalent to the extra debit interest incurred on a home loan, as well as the \$70.00 filing fee paid to the Authority.

[4] Ms Calcott has now received full payment of the sum of \$5,000 and Ultimate has agreed to pay the \$70.00 filing fee. However, while Ultimate accepts that due to the late payment, Ms Calcott has incurred some expense in regard to interest payments on a home loan, the sum of the extra interest claimed (\$99.31) is disputed. Rather, Mr Morse, for Ultimate, has provided a spread sheet setting out his calculations based on a daily interest rate applied to the respective outstanding sums over the time in question, up to full payment being made. Mr Morse says that the interest cost should be the sum of \$52.15.

[5] There is a difference of \$46.98 between the respective calculations and the Authority has been asked to determine the matter. I cannot help but observe that given the scale of this matter, the parties should have been able to reach an agreement themselves rather than engage an Authority Support Officer and an Authority member in an indulgent use of time and resources.

Determination

[6] Ultimate Design & Print Limited is ordered to pay to Ms Calcott, **not later than 14 days from the date of this determination:**

- (a) The application fee paid by Ms Calcott to the Authority, being the sum of \$70.00; and
- (b) The sum of \$99.13 being the interest cost incurred by Ms Calcott.

K J Anderson
Member of the Employment Relations Authority