

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

**I TE RATONGA AHUMANA TAIMAHI
TĀMAKI MAKAURAU ROHE**

[2024] NZERA 284
3237759

BETWEEN ERIC CHRISTIANSEN
Applicant

AND No 1 BLINDS LIMITED
Respondent

Member of Authority: Peter Fuiava

Representatives: No appearance by the Applicant
No appearance by the Respondent

Investigation Meeting: 14 May 2024 in Auckland

Determination: 14 May 2024

DETERMINATION OF THE AUTHORITY

Whether to dismiss for want of prosecution?

[1] By statement of problem lodged with the Authority on 28 June 2023, Eric Christiansen, through his then advocate, claimed that he was unjustifiably disadvantaged and unjustifiably dismissed by No 1 Blinds Limited. The matter was referred to me on 15 November 2023 and a case management conference was held on 8 December 2023 in which No 1 Blinds Limited did not attend. During the conference call, I made timetabling directions for the filing of witness statements and set the employment problem down for a one-day investigation meeting to be held on 14 May 2024.

[2] On 14 February 2024, the Authority was advised by Mr Christiansen's now former advocate that he was no longer acting because he had not been able to contact Mr Christiansen in order to prepare his written witness statement for the Authority. The change in circumstances warranted a second case management conference which was held on 7 March 2024 for the purpose of discussing the potential consequences of the late filing of Mr Christiansen's witness statement such as an adjournment of the

investigation meeting. While Mr Christiansen did not attend the conference call, the respondent's director Suzannah Eagles did and it is noted that her absence in the previous teleconference was due for medical reasons.

[3] I advised Ms Eagles that if Mr Christiansen did not attend the investigation meeting that I would more likely than not dismiss it. A second minute from the Authority was issued and a copy was couriered to Mr Christiansen's last known address. However, the minute could not be delivered and came back to the Authority as 'return sender' as Mr Christiansen no longer lives at the address.

[4] The Authority Officer has left multiple voicemail messages for Mr Christiansen on his mobile phone. He has not responded and has not engaged with the Authority. As an extra step, the former advocate was asked for an alternative contact address and number for Mr Christiansen but the advocate was not able to assist.

[5] Prior to the investigation meeting this morning, the Authority Officer telephoned Mr Christiansen but her call went unanswered. A voice mail message was left for him but there has been no response. The investigation meeting was scheduled to commence at 10 am this morning. However, by 10.50 am, there was no appearance by either party.

The application is dismissed

[6] As the applicant, Mr Christiansen has the responsibility of establishing his claim to the required standard. There is a paucity of evidence and information before the Authority to support his claims of unjustified disadvantage and unjustified dismissal by No 1 Blinds Limited. Mr Christiansen has failed to establish his case which is dismissed.

What about costs?

[7] Number 1 Blinds was represented by its own director and there is nothing to suggest that it has incurred any legal costs to date. Apart from filing a statement in reply, no other statement has been filed by the respondent which is a matter of good

fortune rather than good management on Mr Christiansen's part. No order for costs is made.

Peter Fuiava
Member of the Employment Relations Authority