

[4] The only impediment to that process being achieved speedily is that Mr Heathcote is now in receipt of a benefit and accordingly any repayment regime will of necessity have to take Mr Heathcote's reduced circumstances into account.

[5] The company seeks an order from the Authority directing repayment of the amount owed together with interest and costs.

[6] In effect, this is a matter where the parties have effectively resolved matters themselves without the Authority being put to the trouble of conducting an investigation but, for the sake of completeness, it is appropriate that the Authority issue a determination to formalise the situation.

Determination

[7] The Authority is satisfied that Mr Heathcote owes the company the sum of \$5,626.92 by way of an overpayment wherein Mr Heathcote was in effect paid for the same work by a third party as well as by the company.

[8] It is not appropriate that the company suffer loss as a consequence of having to make this application to the Authority, and accordingly Mr Heathcote should meet the application cost as well as repaying the outstanding amount.

[9] In addition, there is a claim for interest. While the Authority is sympathetic to the company's application in that regard, the fact that Mr Heathcote is in receipt of a benefit means that the time it will take Mr Heathcote to repay the total indebtedness will be significant and accordingly the Authority's view is that it is not appropriate that interest be added to the total amount owed.

[10] The Authority directs that Mr Heathcote is to pay to the company the following sums:

- (a) \$5,626.92 net.
- (b) \$70 being reimbursement of the filing fee paid by the company.

[11] The Authority notes that, given Mr Heathcote's reduced financial circumstances, payment on a time basis will be required. The parties are to engage with each other and agree an amount that Mr Heathcote can afford from his income and an automatic payment is to be established for that figure.

[12] In the event that the parties are unable to agree a figure, the matter is to be referred back to the Authority for further orders.

Costs

[13] Costs are to lie where they fall.

James Crichton
Member of the Employment Relations Authority