



New Zealand Employment Relations Authority Decisions

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Dunnings v Serious Fun "n" Mind Trust [2011] NZERA 348; [2011] NZERA Auckland 236 (2 June 2011)

Last Updated: 22 June 2011

IN THE EMPLOYMENT RELATIONS AUTHORITY AUCKLAND

[2011] NZERA Auckland 236 5291930

BETWEEN

SHERRIE DUNNINGS Applicant

AND

SERIOUS FUN "N" MIND
TRUST
Respondent

Member of Authority:

Eleanor Robinson

Representatives

Stan Austin, Advocate for Applicant Gwenda Paul for the Respondent

Submissions Received

5 April 2011 from Applicant

23 and 27 May 2011 from Respondent

Determination:

2 June 2011

SUPPLEMENTARY DETERMINATION OF THE AUTHORITY

[1] By determination AA464/10 the Authority found that Ms Dunnings had been unjustifiably dismissed by Serious Fun 'n' Mind Trust ("the Trust"). The Authority's substantive decision dealt in principle with the employment relationship problem raised by the Applicant, Ms Sherrie Dunnings, but left the question of compensation for lost wages to be quantified by the parties.

[2] The parties have been unable to resolve matters between them and the matter of quantification for lost wages has devolved to the Authority for determination.

[3] The Authority's determination of 29 October 2010 held that Ms Dunnings was to be reimbursed lost wages for the period from 16 October 2009 to 29 October 2010. Any monies earned by Ms Dunnings during this period were to be deducted from this amount.

[4] Mr Austin has submitted for Ms Dunnings that she would have worked 15 hours per week during the period if she had not been dismissed, and was paid at the rate of \$25.00 per hour. Ms Dunnings is consequently entitled to:

\$25.00 per hour x 15 hours per week x 54.3 weeks

Resulting in a total amount of \$20,362.50.

a. Ms Dunnings is also entitled to reimbursement of 8% annual leave entitlement during that period of \$1,629.00, making a total figure of \$21,991.00 in respect of lost wages.

[6] During the period 16 October 2009 to 29 October 2010 Mr Austin for Ms Dunnings quantified the monies earned from other work undertaken as \$2,210.11. This amount is to be deducted from the total amount for lost wages

Summary

[7] The Serious Fun 'n' Mind Trust is to pay Ms Dunnings \$19,780.89 pursuant to [s 123](#) (1)(b) of the [Employment Relations Act 2000](#).

Eleanor Robinson

Member of the Employment Relations Authority

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