

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
AUCKLAND**

AA 50/08  
AEA 5085853

BETWEEN                      JERINA FORD  
   Applicant  
  
AND                                GOLD SEAL  
   INTERNATIONAL LTD  
   Respondent

Member of Authority:      Dzintra King  
  
Representatives:            Richard Harrison, Counsel for Applicant  
   Mr and Mrs Cunningham In Person  
  
Submissions received:      30 January 2008 from Applicant  
   17 January 2008 from Respondent  
  
Determination:              18 February 2008

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**COSTS DETERMINATION OF THE AUTHORITY**

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- [1]     The applicant. Ms Jerina Ford, was unsuccessful in her personal grievance claim. Ms Ford was however owed one day's pay and holiday pay plus interest.
- [2]     Ms Ford incurred legal costs of \$5,664.48. The applicant seeks either a modest award in favour of the applicant or that costs lie where they fall.
- [3]     The respondent says it is entitled to costs totalling \$1,350. Despite the respondents not being legally represented a claim for legal costs has been filed. I agree with Mr Harrison that there was no evidence of legal assistance having been supplied to the respondents. Although there is a claim for 4 hours` attendance at the investigation meeting no legal representative appeared. I cannot see any evidence of legal assistance in the respondent's submissions. There is no evidence that the respondent actually incurred the legal fee sought. I find this claim surprising.
- [4]     As the respondent has not incurred legal costs no award can be made.
- [5]     Ms Ford was successful in her wages claim. I agree with Mr Harrison that she is entitled to a modest contribution to her costs. I set this at \$500.
- [6]     The respondent is to pay the applicant the sum of \$500 in costs.

[7] I also note from the submissions that the parties have agreed on the outstanding wages but these have not yet paid. They are to be paid forthwith.

Dzintra King

Member of the Employment Relations Authority