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Gaskin v Puriri AA330/10 (Auckland) [2010] NZERA 615 (22 July 2010)

Last Updated: 4 November 2010

IN THE EMPLOYMENT RELATIONS AUTHORITY AUCKLAND

AA 330/10 5290876

BETWEEN CASEY GASKIN

Applicant

AND TERINA PURIRI

Respondent

Member of Authority: Dzintra King

Representatives: Applicant In Person

No appearance for Respondent

Hearing: 20 July 2010

Determination: 22 July 2010

DETERMINATION OF THE AUTHORITY

[1] The applicant, Mr Casey Gaskin, was employed by the respondent, Ms Terina Puriri. He tendered his resignation on 24 November 2009. Mr Gaskin says he was constructively dismissed.

[2] Mr Gaskin's wages had been regularly unpaid or short paid for a period of several weeks. This is a breach of his employment agreement and he was entitled to treat the employment relationship as having come to an end.

[3] Mr Gaskin seeks his unpaid wages, unpaid holiday pay, reimbursement of lost wages and compensation for humiliation and distress.

[4] The respondent did not file a Statement in Reply and did not appear at the hearing.

[5] Mr Gaskin is owed payment for 89.5 hours at \$20 per hour. That amounts to \$1,790.00. Mr Gaskin was made a cash payment, which as gross income totals \$421.87. This is to be deducted from the money claimed. The amount owed by the respondent in unpaid wages is \$1368.13.

[6] Mr Gaskin is owed holiday pay which totals \$143.20.

[7] Mr Gaskin was unjustifiably dismissed. He obtained alternative employment on 16 February 2010. He is entitled to be reimbursed for lost income for the period of unemployment, being twelve weeks. The average weekly earnings were \$255.71. Mr Gaskin is to be paid the sum of \$3,068.52.

[8] Mr Gaskin is to be compensated for the humiliation and distress occasioned by the unjustified dismissal. The respondent is to pay the sum of \$4,000 pursuant to s

123 (1) (c) (i) [Employment Relations Act 2000](#).

[9] Mr Gaskin is to be paid the filing fee of \$70.00.

[10] Summary:

- Unpaid wages: \$1,368.13
- Holiday Pay: \$143.20
- Reimbursement: \$3,068.52
- Compensation: \$4,000
- Filing Fee: \$70
- **Total: \$8,649.85**

Dzintra King

Member of the Employment Relations Authority

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