



# New Zealand Employment Relations Authority Decisions

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## Jarden v FSS Limited CA200/10 (Christchurch) [2010] NZERA 828 (21 October 2010)

Last Updated: 19 November 2010

IN THE EMPLOYMENT RELATIONS AUTHORITY CHRISTCHURCH

CA 200/10 5300422

BETWEEN BENJAMIN HEATH JARDEN

Applicant

A N D FSS LIMITED

Respondent

Member of Authority: Representatives:

Investigation Meeting: Determination:

Philip Cheyne

No appearance for the Applicant No appearance for the Representative

21 October 2010 at Christchurch

21 October 2010

### DETERMINATION OF THE AUTHORITY

[1] This problem concerns a dismissal in September 2009. By the time the problem was lodged on 14 July 2010 the employer had apparently sold its business and applied the sale proceeds to debt reduction while remaining insolvent, according to the statement in reply. The respondent was not prepared to attend mediation.

[2] It seemed pointless to direct mediation but as the applicant wished to proceed I set a date for an investigation meeting. Notice of that meeting was served on both parties.

[3] Earlier this month counsel for the applicant sought and was granted leave to withdraw without any appearance required while counsel for the respondent simply advised that neither he nor his client would be attending the investigation meeting. What was less clear was whether the applicant himself would appear.

[4] There has been no attendance by anyone this morning. In light of that I will dismiss Mr Jarden's claims against FSS Limited. There will be no order for costs.

[5] This determination should be sent to both counsel as a courtesy, to Mr Jarden and to the company at its registered office.

Philip Cheyne

Member of the Employment Relations Authority