

[5] The documents produced to the Authority show that Mr Kardas was paid \$8,750 by bank deposit on 1 September. The documents also show that Mr Kardas was paid \$4,400 by cheque on 10 September 2008. A second payment of \$8,750 was paid to Mr Kardas on 29 September 2008 and a final payment of \$4,350 by bank deposit was paid on 31 October 2008.

[6] The cheque was originally made out in the name of Design Works but that has been crossed off and substituted with J. Kardas. Mr Kardas says this cheque was in satisfaction of an invoice dated 21 July 2008 which was provided to Stonewood Homes for work Mr Kardas claims to have undertaken outside his normal employment duties. The date on the cheque coincides with the date at which the employment relationship problem arose between the parties and which ultimately led to the Record of Settlement being entered into.

[7] The Record of Settlement was signed by the Mediator on 25 August 2008. Therefore it was enforceable from that date. The settlement is in full and final settlement of "...all matters..." between the parties. Therefore while not specifically mentioned, the settlement figure must be taken to include anything arising out Mr Kardas employment with Stonewood Homes including the invoice dated 21 July 2008.

[8] Following the signing off of the Record of Settlement on 25 August, Stonewood Homes have paid to Mr Kardas the amount of \$26,250 which is the amount specified in the Record of Settlement. Looking at the matter overall, I am satisfied that the terms of the agreement with respect of the total amount to be paid under the agreement has been met.

[9] I am unable to be of any further assistance to Mr Kardas.

Costs

[10] Stonewood Homes was not represented in the matter before the Authority therefore no costs will be awarded.

Vicki Campbell
Member of Employment Relations Authority