

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

AA 90/08
AEA 30/05

BETWEEN ASHLEY KLENNER T/A
 GLORIT FARMS Applicant

AND MATTHEW STEVEN
 MACDONALD Respondent

Member of Authority: Yvonne Oldfield

Representatives: James Turner for Applicant
 Ben Molloy for Respondent

Determination: 12 March 2008

CONSENT DETERMINATION OF THE AUTHORITY

[1] This matter concerns an application to re-open file AEA 30/05 and is made by the respondent in the original proceedings. The matters at issue in that case were disposed of by determination dated 5 December 2005 without Mr Klenner being heard. The determination was issued despite Mr Klenner's non attendance because delivery of the notice of the meeting had been confirmed by the courier company to which it had been entrusted. Now however Mr Klenner says that he did not receive notice of the investigation meeting and wishes to have an opportunity to be heard.

[2] Mr Molloy, for the original applicant, has confirmed in writing Mr Macdonald's "*unconditional consent to this matter being reopened.*"

[3] **I therefore record, as an order by consent, that the matter lodged as file number 30/05 in 2005 is to be reopened.**

Yvonne Oldfield

Member of the Employment Relations Authority