

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

[2013] NZERA AUCKLAND 245

5401415

BETWEEN

GUANG LIN

Applicant

AND

GENERAL RECYCLE LIMITED

Respondent

Member of Authority: Eleanor Robinson

Determination: 11 June 2013

SUPPLEMENTARY DETERMINATION OF THE AUTHORITY

[1] By determination dated 1 March 2013 ([2012] NZERA Auckland 72), the Authority found that the Applicant, Mr Guang Lin had been unjustifiably dismissed from his employment by the Respondent, General Recycle Limited (GRL).

[2] The Authority's substantive decision dealt in principle with the employment relationship problem raised by Mr Lin, but left the question of compensation for lost wages pursuant to s.128 (2)) of the Employment Relations Act 2000 (the Act) to be quantified by the parties.

[3] The parties have been unable to resolve matters between them and therefore the matter of quantification for lost wages has devolved to the Authority for determination.

[4] The Authority's determination of 19 February 2013 held that Mr Lin was to be reimbursed for lost wages from the date of his dismissal on 3 August 2012 for a period of 13 weeks pursuant to s 128 (2) of the Act, less the amount Mr Lin received by way of income support and deductions for the monies earned by Mr Lin when he worked for GRL in early October 2012.

[5] Mr Lin submits that he received wages of \$565.98 net per week. For a period of 13 weeks, this equates to \$7,357.74 net. In addition Mr Lin received an accommodation supplement from GRL of \$76.00 net per week, equating to \$988.00 net for the 13 week period.

[6] In total during the 13 week period Mr Lin would have received from GRL the sum of \$8,345.74 net had his employment not been unjustifiably terminated.

[7] During the 13 week period Mr Lin submits that he received the weekly sum of \$341.60 for 12 weeks from WINZ, equating to \$4,099.20, and in addition received a weekly accommodation supplement of \$125.00 per week for 12 weeks, equating to \$1,500.00 in total for the 12 week period.

[8] In total during the 12 week period Mr Lin would have received the sum of \$5,599.20 from WINZ.

[9] Mr Lin also received a payment of \$120.00 net from GRL for work completed on one day in early October 2012.

[10] Deducting the monies received by Mr Lin during the 13 week period from the sum he would have earned had his employment not been unjustifiably terminated by GRL, I calculate that Mr Lin is entitled to be reimbursed the sum of \$2,626.54 net by GRL.

Summary

[11] I order that GRL pay Mr Lin the sum of \$2,626.54 net pursuant to s 128 (2) of the Act.

Eleanor Robinson
Member of the Employment Relations Authority